



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: Roxanne Smith
Principal Deputy Associate Administrator and Deputy Ethics Official
Office of External Affairs and Environmental Education

TO: (b) (6)
Assistant Press Secretary
Office of External Affairs and Environmental Education

I have received your request to engage in outside activity for compensation as a teaching assistant for the University of Michigan with respect to a particular course, "A Theater of Politics and the Politics of Art," to be taught at night from January 23 through May 1, 2014, here in Washington, DC. You will assist with class activities, facilitate class discussions, grade papers and attend plays with the students. Based on the information you have provided, I am approving your request for this one class as consistent with 5 C.F.R. Part 2635, Subpart H.

I have set forth below a reminder about several ethics principles:

Financial Conflicts of Interest

Because you will be compensated by the University of Michigan, you may be considered its employee (as opposed to an independent contractor) and therefore have a financial conflict of interest. If so, you cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon your outside employer. You cannot work on particular matters that involve the University of Michigan as a specific party (e.g., you are asked to do press work associated with the Administrator's speech at this school), nor could you work on particular matters of general applicability (e.g., a grant proposal to which all colleges might apply if the University of Michigan is an expected applicant).

Representation

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 USC §§ 203 and 205. In your capacity as a teaching assistant, you cannot contact the US government on behalf of the University of Michigan, which may include contacting federal employees to speak before the class.

Misuse of Position

Under no circumstances can you use government time, equipment, resources or property to engage in this compensated outside activity. You cannot use your EPA email address nor use your work station, computer or blackberry at any time (even during non-work hours or weekends) in conjunction with this outside activity. Because you will be compensated, there is no *de minimis* personal use of government equipment at all.

You may include a brief reference to your EPA position and title in your biography, but only so long as there are at least two other significant biographical details. You may not use non-public EPA information or affix the EPA seal or logo to any presentation materials you use in your outside capacity.

Disclosure on the OGE-278

You will need to report the income from this outside activity on Schedule A of your financial disclosure statement, and the outside position on Schedule D.

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cc: Justina Fugh, Senior Counsel for Ethics



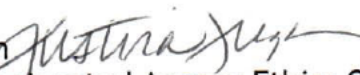
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

SEP - 7 2018

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: Justina Fugh 
Alternate Designated Agency Ethics Official

TO: (b) (6)
Principal Deputy Assistant Administrator
Office of Solid Waste and Emergency Response

I have received your requests to continue to engage in outside activity as follows:

Adjunct Professor at American University Law School	compensated	For two courses (Environmental Law and Environmental Liability and Torts)
Advisory Board of AU's Administrative Law Review	uncompensated	Available to advise student editors
Advisory Board of Harvard Environmental Law Review	uncompensated	Available to advise student editors
Advisory Board of Environmental Law Reporter	uncompensated	Available to advise professional staff
Advisory Board of Environmental Law and Policy Annual Review	uncompensated	Select and edit articles to be published

Based on the information you have provided, I am approving your requests as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that, generally, an approval for outside employment remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your duties.

I have set forth below a reminder about several ethics principles:

Financial Conflicts of Interest

Because you will be compensated by American University, you may well be considered its employee (as opposed to an independent contractor) and therefore have a financial conflict of interest. You cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon your outside employer. You cannot work on particular matters that involve American University as a specific party (e.g., whether the Assistant Administrator should accept an invitation to speak at the University), nor can you work on particular matters of general applicability (e.g., a grant proposal to which all colleges might apply if American University is an expected applicant).

You will need to report the income from this outside activity on your financial disclosure statement, and all five of the outside positions.

Representation

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 USC §§ 203 and 205. In your capacity as an adjunct faculty member, you cannot contact the US government on behalf of American University or any of the advisory boards, which may include contacting federal employees to speak before your law school classes or contacting fellow government employees to submit or review articles in their official capacities.

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As always, if you have any questions, please feel free to contact me at 564-1786.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

JAN - 9 2019

MEMORANDUM

SUBJECT: Approval of Outside Activity for Limited Consulting Services

FROM: Justina Fugh 
Alternate Designated Agency Ethics Official

TO: (b) (6)
Attorney-Advisor
Office of Administrative Law Judges
Office of Mission Support

I have received your request to engage in outside activity for compensation to provide consulting services in the area of computer networking and audio/visual installation and configuration. You do not intend to incorporate as a business entity and do not intend to offer or provide any services to fellow EPA employees. Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that this approval applies to these limited consulting services only.

I have set forth below a reminder about several ethics principles:

Financial Conflicts of Interest

Because you will be compensated by your clients, you will have a financial conflict of interest with them. You cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon them.

Representation

You cannot represent the client back to the federal government in any matter in which the United States is a party or has a direct and substantial interest, nor can you accept compensation for such representation. See 18 U.S.C. §§ 203 and 205.

Loss of Impartiality

Remember that, for one year after you perform the services and are compensated, you will still have a covered relationship with these clients pursuant to

5 C.F.R. § 2635.502(b)(iii). You will not be able to work on any specific party matter in which the client(s) is a party or represents a party.

Misuse of Position

Because you expect to continue this outside activity after the shutdown ends, please remember that you cannot use any EPA time, equipment or resources in connection with your consultation work. There is no *de minimis* exception for use of government equipment for any compensated outside activity. In addition, please be mindful of the fact that 41 C.F.R § 102-74.410 precludes you from collecting any private debt on federal premises.

Reporting requirement

Because you will be compensated for this activity, you will have to report both the income and the position on your confidential financial disclosure report that covers CY 2019 (that you will file by February 15, 2020). You will need to report the position in Part III and any gross income that exceeds \$1000 on Part I. Please note that the reportable threshold increased effective 1/1/19 (it used to be \$200).

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As always, if you have any questions, please feel free to contact me at 564-1786.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

JAN - 9 2019

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity to Provide Limited Legal Services

FROM: Justina Fugh 
Alternate Designated Agency Ethics Official

TO: (b) (6)
Attorney-Advisor
Office of Administrative Law Judges
Office of Mission Support

I have received your request to engage in outside activity for compensation to provide legal services for one client to provide post-conviction relief in state court. Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that this approval applies only to this one client for this one service. Any other legal services will require a separate request for approval.

I have set forth below a reminder about several ethics principles:

Financial Conflicts of Interest

Because you will be compensated by this client, you will have a financial conflict of interest with him or her. You cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon this client. Frankly, I do not anticipate such a situation arising given your duties.

Representation

You are prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest, and also prohibited from receiving compensation for such representation. See 18 U.S.C. §§ 203 and 205. Because this representation will take place before a state court outside of the District of Columbia, I do not anticipate that you will trigger any representational conflict of interest. Just be mindful of the fact that you cannot contact the United States government on behalf of your client.

Reporting requirement

- Because you will be compensated for this activity, you will have to report both the income and the position on your confidential financial disclosure report that covers CY 2019 (that you will file by February 15, 2020). You will need to report the position in Part III and any gross income that exceeds \$1000 on Part I. Please note that the reportable threshold increased effective 1/1/19 (it used to be \$200).

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As always, if you have any questions, please feel free to contact me at 564-1786.




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

APR 17 2019

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity - Associate Editor of *Current Problems in Pediatrics and Adolescent Health Care*

FROM: Justina Fugh 
Alternate Designated Agency Ethics Official

TO: (b) (6)
Senior Advisor to the Director
Office of Science and Technology
Office of Water

I have received your request to continue to engage in compensated outside activity for Elsevier as an Associate Editor of *Current Problems in Pediatrics and Adolescent Health Care*. Your work with this publication began before your EPA service, and you have appropriately sought approval of this activity before. Given the change in your EPA duties, however, you are seeking re-approval of the outside activity. You expect that your outside activity will include soliciting articles, editing them, writing a foreword and attending editorial board meetings as part of the annual meeting of the Pediatric Academic Societies. You further expect that Elsevier will provide compensation for your service as well as travel expenses.

Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that, generally, an approval for outside activity remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your official or outside activity duties.

I have set forth below a reminder about several ethics principles:

Financial Conflicts of Interest

You cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon Elsevier. You cannot work on particular matters that involve them as a specific party nor on particular matters of general applicability that affect them as a member of a class. That said, your Deputy Ethics Official does not currently anticipate any likely areas of conflict between your EPA duties in the Office of Science and Technology and this entity.

Representation

Please remember that, as a federal employee, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. You cannot represent Elsevier or the publication back to any United States official through any appearance or communication with the intent to influence official government action. See 18 U.S.C. §§ 203 and 205. So, for example, when you solicit articles, do not interact directly with any other federal employee in their official capacity.

Misuse of Position

Because this is compensated activity, you must perform the duties on your own time and not with EPA resources. There is no *de minimis* use of government equipment in connection with any compensated outside activity. In addition, please do not use your EPA email or contact information or address. To attend any of the editorial meetings, you will have to (as you have already indicated) take annual leave.

If there is a biographical profile on their website or other materials, then you may decline to refer at all to your EPA title or affiliation. Alternatively, because this is a scientific publication, you may reference EPA and your title solely, but if you do, then you must include a prominent disclaimer that states, *"This work is not a product of the United States Government or the United States Environmental Protection Agency. The editor is not doing this work in any governmental capacity."*

Reporting Obligations

Please report this position and any gross income received on your financial disclosure report. In addition, if you are offered and accept the gift of travel from Elsevier, you will need to report that information in the "gift" section of your disclosure report."

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As always, if you have any questions, please feel free to contact me at 564-1786.

cc: Jeff Lape, Deputy Ethics Official




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

APR 17 2019

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity -- Associate Editor of *Environmental Health*

FROM: Justina Fugh 
Alternate Designated Agency Ethics Official

TO: (b) (6)
Senior Advisor to the Director
Office of Science and Technology
Office of Water

I have received your request to continue to engage in uncompensated outside activity for BioMed Central as an Associate Editor of *Environmental Health*. Your work with this publication began before your EPA service, and you have appropriately sought approval of this activity before. Given the change in your EPA duties, however, you are seeking re-approval of the outside activity. Your work with this publication predates your EPA service, but with a change in your EPA duties, you are seeking re-approval of the outside activity. You expect that your outside activity will include reading articles, inviting peer reviewers to evaluate articles, and selecting articles for publication.

Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that, generally, an approval for outside activity remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your official or outside activity duties.

I have set forth below a reminder about several ethics principles:

Financial Conflicts of Interest

You cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon BioMed Central. You cannot work on particular matters that involve them as a specific party nor on particular matters of general applicability that affect them as a member of a class. That said, your Deputy Ethics Official does not currently anticipate any likely areas of conflict between your EPA duties in the Office of Science and Technology and this entity.

Representation

Please remember that, as a federal employee, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. You cannot represent BioMed Central or the publication back to any United States official through any appearance or communication with the intent to influence official government action. See 18 U.S.C. § 205. So, for example, when you solicit peer reviewers, do not interact directly with any other federal employee in their official capacity.

Misuse of Position

I advise against using your EPA email or contact information or address in connection with this outside activity. If there is a biographical profile on their website or other materials, then you may decline to refer at all to your EPA title or affiliation. Alternatively, because this is a scientific publication, you may reference EPA and your title solely, but if you do, then you must include a prominent disclaimer that states, *"This activity is not conducted in connection with the United States Government or the United States Environmental Protection Agency. The editor is not doing this work in any governmental capacity."*

Reporting Obligations

Please report this position on your financial disclosure report.

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As always, if you have any questions, please feel free to contact me at 564-1786.

cc: Jeff Lape, Deputy Ethics Official



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

APR 17 2019

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity - Professorial Lecturer at the Milken Institute School of Public Health at George Washington University

FROM: Justina Fugh *Justina Fugh*
Alternate Designated Agency Ethics Official

TO: (b) (6)
Senior Advisor to the Director
Office of Science and Technology
Office of Water

I have received your request to continue to engage in uncompensated outside activity for George Washington University as a Professorial Lecturer at the Milken Institute School of Public Health. You appropriately sought approval of this activity before but given the change in your EPA duties, you are seeking re-approval of the outside activity. You expect that your outside activity will include giving occasional guest lectures, mentoring students, and writing articles on environmental health issues.

Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that, generally, an approval for outside activity remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your official or outside activity duties.

I have set forth below a reminder about several ethics principles:

Impartiality

You are not considered to be an employee of George Washington University, but you do have a relationship with it. Therefore, you cannot participate in your EPA duties in any particular matter involving specific parties in which the University is a party or represents a party, unless you first seek and obtain a determination from an ethics official.

Possibility of Seeking Employment

In the event that the university reaches out to you for possible employment, or if you elect to consider that possibility, then please contact me for further advice.

Representation

Please remember that, as a federal employee, you are still prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest, even if you are not compensated. You cannot represent the University back to any United States official through any appearance or communication with the intent to influence official government action. See 18 U.S.C. § 205.

Misuse of Position

I advise against using your EPA email address or contact information in connection with this outside activity that you understand will take place during non-work time.

If there is a biographical profile on their website or other materials, then you must either: (a) not refer at all to your EPA title or affiliation, or (b) include EPA as one of several significant biographical details, with EPA not having any undue prominence. With respect to any writing, you may decline to refer at all to your EPA title or affiliation or, for a scientific publication, you reference EPA and your title solely. If you do reference EPA in connection with writing for a scientific publication, though, then you must include a prominent disclaimer that states, *"This work is not a product of the United States Government or the United States Environmental Protection Agency. The author is not doing this work in any governmental capacity."*

Reporting Obligations

Please report this position on your financial disclosure report.

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As always, if you have any questions, please feel free to contact me at 564-1786.

cc: Jeff Lape, Deputy Ethics Official



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

APR 23 2019

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity -- Health Professionals Advisory Board of the International Joint Commission

FROM: Justina Fugh *Justina Fugh*
Alternate Designated Agency Ethics Official

TO: (b) (6)
Senior Advisor to the Director
Office of Science and Technology
Office of Water

I have received your request to continue to serve on a workgroup to the Health Professionals Advisory Board of the International Joint Commission as an uncompensated outside activity for which you will take annual leave. This Board provides advice to the International Joint Commission about current and emergent clinical and public health issues in the area of transboundary environmental health, and you will be representing yourself not any other entity. As a workgroup member, you expect that you will review documents, give advice regarding medical knowledge on environmental health issues, and engage in dialogue with the Board members at their meetings held every six months. If there is travel that is required, you understand that the IJC will offer you travel expenses.

Based on the information you have provided, and following the review of your supervisor, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that, generally, an approval for outside activity remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your official or outside activity duties.

I have set forth below a reminder about several ethics principles:

Impartiality

You cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon the International Joint Commission. You cannot work on particular matters that involve them as a specific party. That said, your Deputy Ethics Official does not currently anticipate any likely areas of conflict between your EPA duties in the Office of Science and Technology and this entity.

Representation

Please remember that, as a federal employee, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. You cannot represent the IJC back to any United States official through any appearance or communication with the intent to influence official government action. See 18 U.S.C. § 205.

Misuse of Position

I advise against using your EPA email or contact information or address in connection with this outside activity. If there is a biographical profile on their website or other materials, then you should decline to refer at all to your EPA title or affiliation.

Reporting Obligations

If you are offered travel expenses, then you may have to report that information as a "gift" on your financial disclosure report. Please remember to include this position on your financial disclosure report too.

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As always, if you have any questions, please feel free to contact me at 564-1786.

cc: Jeff Lape, Deputy Ethics Official



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

APR 23 2019

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity - Speaking to the Summit on Promoting Early Childhood Development, Chengdu, China (June 13-15, 2019)

FROM: Justina Fugh *Justina Fugh*
Alternate Designated Agency Ethics Official

TO: (b) (6)
Senior Advisor to the Director
Office of Science and Technology
Office of Water

I have received your request to attend and speak, in your outside capacity, at the Summit on Promoting Early Childhood Development in the Chinese Speaking Communities on June 13-15, 2019 in Chengdu, China. You will prepare the materials on your own time, take annual leave, and will have your travel expenses paid by the China Medical Association, which is not affiliated with the Chinese government.

Based on the information you have provided, and following the review of your supervisor, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that, generally, an approval for outside activity remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your official or outside activity duties.

I have set forth below a reminder about several ethics principles:

Impartiality

You cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon the Chinese Medical Association. You cannot work on particular matters that involve them as a specific party. That said, your Deputy Ethics Official does not currently anticipate any likely areas of conflict between your EPA duties in the Office of Science and Technology and this entity.

Misuse of Position

I advise against using your EPA email or contact information or address in connection with this outside activity. If there is a biographical profile on their website or other materials, then you should decline to refer at all to your EPA title or affiliation.

Reporting Obligations

Because you will be offered travel expenses that will exceed the reporting threshold, you will have to include them on your next financial disclosure report.

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As always, if you have any questions, please feel free to contact me at 564-1786.

cc: Jeff Lape, Deputy Ethics Official



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: Justina Fugh
Alternate Designated Agency Ethics Official

TO: (b) (6)
Performance Improvement Officer (PIO)
Office of Continuous Improvement
Office of the Administrator

I have received your request to engage in compensated outside activity with Design Serenity, an interior decoration consultancy, (b) (6). For some period of time, this company has been largely dormant, but you are now interested in working with former clients and, eventually, looking for new clients. You anticipate earning less than (b) (6) in CY 2018, but perhaps later may earn up to (b) (6) annually. For your services, you will charge (b) (6) per hour. You have been clear that you will not use EPA time, resources or property to engage in this outside activity.

Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that, generally, an approval for outside activity remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your official or outside activity duties.

I have set forth below a reminder about several ethics principles:

Financial Conflicts of Interest

You cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon Design Serenity. You cannot work on particular matters that involve them as a specific party nor on particular matters of general applicability that affect them as a member of a class. That said, we did not identify any likely areas of conflict between your EPA duties and this entity.

Representation

Please remember that, as a federal employee, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. You cannot represent Design Serenity back to any United States official through any appearance or communication with the intent to influence official government action. See 18 USC §§ 203 and 205. This prohibition extends to the Small Business Administration, so please consult with an ethics official if you decide to seek any federal loans.

Misuse of Position

Do not market your company on government time or on government property. Do not solicit any EPA employees for business purposes. If there is a biographical profile on the company website or other materials, then you must either: (a) not refer at all to your EPA title or affiliation, or (b) include EPA as one of several significant biographical details, with EPA not having any undue prominence.

Reporting Obligations

Please report this position on your financial disclosure report and also include any income in Part 2 of the report.

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As always, if you have any questions, please feel free to contact me at 564-1786.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: Justina Fugh
Alternate Designated Agency Ethics Official

TO: (b) (6)
Performance Improvement Officer (PIO)
Office of Continuous Improvement
Office of the Administrator

I have received your request to engage in uncompensated outside activity as a board member for a nonprofit entity, Matter of Trust. This entity identifies and develops solutions for manmade surplus, sorting waste into useful stockpiles for redistribution within communities. Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that, generally, an approval for outside activity remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your official or outside activity duties.

I have set forth below a reminder about several ethics principles:

Financial Conflicts of Interest

You cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon Matter of Trust. You cannot work on particular matters that involve them as a specific party nor on particular matters of general applicability that affect them as a member of a class. That said, we did not identify any likely areas of conflict between your EPA duties and this entity.

Representation

Please remember that, as a federal employee, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. You cannot represent the board back to any United States official through

any appearance or communication with the intent to influence official government action. See 18 USC §§ 203 and 205.

Misuse of Position

If there is a biographical profile on their website or other materials, then you must either: (a) not refer at all to your EPA title or affiliation, or (b) include EPA as one of several significant biographical details, with EPA not having any undue prominence.

Reporting Obligations

Please report this position on your next financial disclosure report. In addition, if you are offered and accept the gift of travel from Matter of Trust, you will need to report that information on your next disclosure report, which will include a section on “gifts.”

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As always, if you have any questions, please feel free to contact me at 564-1786.

MEMO

To: Justina Fugh
Office of General Counsel

Through: Cynthia Giles
Assistant Administrator *Cynthia Giles*

From: (b) (6)
Deputy Assistant Administrator

Date: August 15, 2014

Re: Request for Permission to Participate as Board Member of Cylburn Arboretum Association

The purpose of this memo is to request permission to continue to participate as a Board Member of the Cylburn Arboretum Association. My Board term expires in May of 2017.

The Association is a small non-profit organization (budget under (b) (6)) that supports and compliments Cylburn Arboretum, one of Baltimore City's public parks. Cylburn is a 170 acre property in Baltimore City that houses a visitor center, a historic Mansion, and two greenhouses. Association staff use office space in the Mansion pursuant to an MOA with the City. The Park is open to the public and used for a variety of purposes. The Association has a small staff that run supplemental programming for children and adults, host events designed to garner awareness and support for the Park and manage volunteers who provide gardening type assistance.

The nature of the work proposed is to serve as Board Member. The Board directs and guides the management of the Association. No compensation is provided to Board members. This work takes approximately 12 hours per month and is performed entirely outside of normal duty hours. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside activity. Please note I have provided pro bono legal assistance to the Association in 2012 and 2013. I am not providing that assistance now and do not intend to provide that type of assistance as a Board Member.

I have read 5 CFR Part 2635 (Subpart H on "Outside Activities") and Section 6401.102 (EPA's Supplemental Regulations). Cylburn Arboretum Association has no EPA assistance agreements or contracts.

Last, I am asked to explain whether, realistically, there is any likelihood of interaction between this entity and the federal government. The Association does not own or operate the property. I do not anticipate any EPA actions related to the Association.

Approved

Justina Fugh - Senior Counsel for Ethics
8/25/14



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

MAR - 9 2018

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: Justina Fugh *Justina Fugh*
Alternate Designated Agency Ethics Official

TO: (b) (6)
Counsel to the Administrator
Office of the Administrator

I have received your request to engage in outside activity as a board member/officer of the State Bar of Texas Environmental & Natural Resources Law Section (ENRLS), and also the concurrence from Ryan Jackson, Chief of Staff. ENRLS is a section of the State Bar of Texas that is comprised of lawyers who practice or have an interest in environmental and natural resources law. Their mission is to provide assistance to environmental lawyers in Texas to help them to be better lawyers. Your expected activity involves helping to plan continuing legal education, voting on the ENRLS budget, and attending the biannual meetings. Although uncompensated, you note that ENRLS may reimburse you in your personal capacity for travel expenses.

Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that, generally, an approval for outside activity remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your official or outside activity duties.

I have set forth below a reminder about several ethics principles:

Financial Conflicts of Interest

You cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon State Bar of Texas Environmental & Natural Resources Law Section. You cannot work on particular matters that involve them as a specific party nor on particular matters of general applicability that affect them as a member of a class. That said, I cannot identify any likely areas of conflict between

your EPA duties and this entity.

Representation

Please remember that, as a federal employee, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. You cannot represent the board back to any United States official through any appearance or communication with the intent to influence official government action. This prohibition extends to asking, on behalf of ENRLS, for any federal official to speak in official capacity at any bar or other event. See 18 U.S.C. § 205.

Misuse of Position

If there is a biographical profile on their website or other materials, then you must either: (a) not refer at all to your EPA title or affiliation, or (b) include EPA as one of several significant biographical details, with EPA not having any undue prominence.

Reporting Obligations

Please continue to report this position on your financial disclosure report. In addition, if you do accept the gift of travel from ENRLS, you will need to report that information on your next disclosure report, which will include a section on "gifts."

* * * * *

As always, if you have any questions, please feel free to contact me at 564-1786.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

FEB 03 2017

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: Justina Fugh *Justina Fugh*
Alternate Designated Agency Ethics Official

TO: (b) (6)
Special Assistant
Office of the Administrator

I have received your request of January 31, 2017, to engage in outside activity for compensation as the sales director of Telephone Town Hall Meeting (TTHM). You wish to continue to set up meetings for demonstration purposes and solicit prospective clients for TTHM on your own time and not using any EPA resources. In exchange for your services, you anticipate reimbursement of (b) (6) per month for expenses.

You are currently a Schedule C appointee at EPA, which means that you are a "covered noncareer employee" subject to the outside earned income limitations set forth at 5 CFR § 2635.804. Under this provision, you cannot receive compensation for, among other things, practicing a profession that involves a fiduciary relationship or affiliating with or being employed by a firm that provides professional services involving a fiduciary relationship. Your service as sales director does not involve any fiduciary duty. Please note, however, that you are still subject to the outside earned income limit, which is currently \$27,765 per annum. Based on the information you provided and the fact that you are currently serving in a 120-day limited term appointment, I do not expect your income from this outside compensated entity to exceed the cap.

I am therefore approving your request for outside activity and set forth below a reminder about several ethics principles:

Financial Conflicts of Interest

- Because you will be compensated by TTHM, you have a financial conflict of interest pursuant to 18 USC § 208. You cannot participate in your EPA duties in

any matter that will have a direct and predictable financial effect upon your outside employer. You cannot work on particular matters that involve TTHM as a specific party nor can you work on particular matters of general applicability (e.g., how the Administrator can reach a broader audience by using telephone technology services).

- You will need to report the income from this outside activity on Schedule A of your financial disclosure statement, and the outside position on Schedule D.

Representation back to the United States

- Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 USC § 203. You cannot represent TTHM as agent or attorney in connection with any matter in which the United States is a party or has a direct and substantial interest.

Misuse of Position Misuse of Position

- Because you will be compensated, you cannot ever use any EPA equipment, including phones, workspace, computer and time. The Agency's Limited Personal Use of Equipment policy, found at <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf>, states that there is no *de minimis* use of EPA equipment to further any compensated outside activity.
- You cannot use your EPA position, title or affiliation in connection with your outside activity. See 5 CFR § 2635.807(b). You also cannot use your federal position to further any outside fundraising efforts. In addition, there are some restrictions when engaged in fundraising (even on personal time). See 5 CFR § 2635.808. For example, you cannot personally solicit funds from a subordinate nor from any person who is an Agency prohibited source. We define "prohibited source" as any entity or person who is doing business with the Agency, seeks to do business with the Agency or is regulated by the Agency.

* * * * *

As always, if you have any questions, please feel free to contact me at 564-1786.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

JUN 28 2018

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: Justina Fugh *Justina Fugh*
Alternate Designated Agency Ethics Official

TO: (b) (6)
Senior Advisor for Public Engagement
Region 8

This memorandum confirms in writing that you continue to be approved to engage in compensated outside activity as sales director for Telephone Town Hall Meeting (TTHM). The company pays your salary through your (b) (6) (b) (6) which is otherwise inactive and has no other clients. You were formally approved for such outside activity on February 3, 2017, when you were a Schedule C appointee in the Office of the Administrator.

Last year, however, you converted to an Administratively Determined (AD) position and also changed positions. You are now in Region 8, serving as the Senior Advisor for Public Engagement for the Regional Administrator. In October 2017, you sought approval from me as your Deputy Ethics Official to continue your compensated activity. Given that your change in assigned EPA duties had no material effect upon my determination regarding your compensated outside activity, I approved in principle, but am belatedly providing you with the written confirmation of that approval.

Please note that, because you are now an AD appointee, you are not subject to any outside earned income cap. That said, you most recently indicated that you expect to be compensated in the amount of (b) (6) monthly. If that amount changes going forward, or you anticipate it to do so, then please notify me.

I have set forth below reminders about several ethics principles that you must follow:

Financial Conflicts of Interest

Because you will be compensated by TTHM, you have a financial conflict of interest pursuant to 18 U.S.C. § 208. You cannot participate in your EPA duties in any matter

that will have a direct and predictable financial effect upon your outside employer. You cannot work on particular matters that involve TTHM as a specific party nor can you work on particular matters of general applicability (e. g., how the Regional Administrator can reach a broader audience by using telephone technology services).

You will need to continue to report this outside position and the income on your financial disclosure report.

Representation back to the United States

You are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 U.S.C. § 203. You cannot represent TTHM as agent or attorney in connection with any matter in which the United States is a party or has a direct and substantial interest.

Misuse of Position Misuse of Position

Because you will be compensated, you cannot ever use any EPA equipment, including phones, workspace, computer and time. The Agency's Limited Personal Use of Equipment policy states that there is no *de minimis* use of EPA equipment to further any compensated outside activity. See <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf>.

You cannot use your EPA position, title or affiliation in connection with your outside activity. See 5 C.F.R. § 2635.807(b). You also cannot use your federal position to further any outside fundraising efforts. In addition, there are some restrictions when engaged in fundraising (even on personal time). See 5 C.F.R. § 2635.808. For example, you cannot personally solicit funds from a subordinate nor from any person who is an Agency prohibited source. We define "prohibited source" as any entity or person who is doing business with the Agency, seeks to do business with the Agency or is regulated by the Agency.

* * * * *

As always, if you have any questions, please feel free to contact me at 564-1786.

cc: Michael Gleason, Regional Ethics Counsel
Region 8



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

FEB 06 2017

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: Justina Fugh *Justina Fugh*
Alternate Designated Agency Ethics Official

TO: (b) (6)
Special Advisor
Office of the Administrator

Kevin Minoli, Designated Agency Ethics Official, received your request of January 15, 2017, in which you indicated you want to engage in certain uncompensated outside activity upon becoming a federal employee. In making your request for approval of the outside activity, you followed the format set forth at 5 CFR § 6401.103. In our conversation of January 18, 2017, you updated your request to reflect your decision to withdraw from certain outside activities but reiterated that you wish to continue to provide legal services on behalf of the Free Market Environmental Law Clinic in *Energy & Environment Legal Institute v. Arizona Board of Regents*. Because you will be practicing a profession, EPA's supplemental ethics rules at 5 CFR 6401.103 require that you seek approval from your ethics official.

You are currently a noncareer SES appointee at EPA, which means that you are a "covered noncareer employee" subject to the outside earned income limitations set forth at 5 CFR § 2635.804. Under this provision, you cannot receive any compensation for, among other things, practicing a profession that involves a fiduciary relationship or affiliating with or being employed by a firm that provides professional services involving a fiduciary duty. But because you will not be compensated for this activity, you comply with this limitation.

Therefore, based on the information you have provided, I am approving your request to provide legal services in the above referenced case, provided that you abide by the applicable ethics rules set forth below:

Representation back to the United States

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 USC §§ 203 and 205. In your outside capacity, you cannot contact or represent back to any US government official on behalf of the clinic or your client in connection with any matter in which the United States is a party or has a direct and substantial interest.

Misuse of Position

You cannot use your EPA position, title or affiliation in connection with the outside activity. See 5 CFR § 2635.807(b). Please do not use Agency equipment, including phones, email address, workspace, computer, and time, in connection with this outside activity.

* * * * *

As always, if you have any questions, please feel free to contact me at 564-1786.

From: [Fugh, Justina](#)
To: (b) (6)
Cc: [Nagle, Deborah](#); [Lape, Jeff](#)
Subject: RE: Request for approval of outside activity
Date: Monday, May 20, 2019 10:59:00 PM

Hi (b) (6)

I have received your request to continue to speak at the Summit on Preventive Health Care on June 22-23, 2019 in Kowloon, Hong Kong at the invitation of the Hong Kong Paediatric Foundation, which is not affiliated with any foreign government. You have been invited not because of your affiliation with EPA but rather as a result of your experience as a pediatrician and environmental epidemiologist who has worked in the field for more than 25 years. You will not be compensated for this activity but will receive travel expenses from the Foundation, including pick-up services at the airport, hotel accommodations for four nights, waiver of the registration fee, and meals during the summit itself.

Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note the following:

- This approval is for this one speaking event only and does not imply approval of any annual leave. You already understand that you must work with your supervisor regarding approval of annual leave;
- You have already confirmed that the Foundation will not refer to nor use your EPA position or title in their promotional materials or agenda. If you provide a biographical profile, then you may either decline to refer at all to your EPA title or affiliation or mention EPA as one of several biographical details so long as EPA does not have any undue prominence; and
- You will need to report the gift of travel in the "gift" section of your disclosure report.

As always, if you have any questions, please feel free to contact me.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: (b) (6)

Sent: Friday, May 17, 2019 8:07 AM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Cc: Nagle, Deborah <Nagle.Deborah@epa.gov>; Lape, Jeff <lape.jeff@epa.gov>

Subject: RE: Request for approval of outside activity

Hi Justina,

I stand corrected; I now realize that Jeff did not approve this but just forwarded it to you for approval.

Based on your clarification, I have revised the estimate of time needed:

An estimated 7 days would be devoted to the activity. This includes 2 days of preparation, 2 days at the Summit and 3 days of travel. The days at the Summit are weekend days (Saturday and Sunday).

Number of days of annual leave: 5 days

Thank you for your consideration of this request.

Best,

(b) (6)

From: Lape, Jeff

Sent: Thursday, May 16, 2019 7:19 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>; (b) (6)

Cc: Nagle, Deborah <Nagle.Deborah@epa.gov>

Subject: RE: Request for approval of outside activity

Thanks Justina... I am working backward on emails. Thank you for the clear citation and approach to accounting for hours.

From: Fugh, Justina

Sent: Thursday, May 16, 2019 3:36 PM

To: (b) (6)

Cc: Lape, Jeff <lape.jeff@epa.gov>; Nagle, Deborah <Nagle.Deborah@epa.gov>

Subject: RE: Request for approval of outside activity

Hi there,

Consistent with the established regulatory process, Jeff's response reflects the review by the first level supervisor, but now I have to actually provide the determination. So please don't consider that Jeff has "approved" the request; rather, he's moved it along to me! I'll approve it formally later this week.

In framing your outside activity request, the regulation asks you first to estimate the "time to be devoted to the activity," and then "[w]hether the services will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required)." 5 CFR 6401.103(b)(4) and (5). So you would first say how much preparatory time you need, including weekend days, and then indicate how many hours of leave you would need, if any.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: (b) (6)

Sent: Thursday, May 16, 2019 11:46 AM

To: Lape, Jeff <lape.jeff@epa.gov>

Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Nagle, Deborah <Nagle.Deborah@epa.gov>

Subject: RE: Request for approval of outside activity

Hi Jeff,

Thanks for approving this. For example, in my recently-submitted OGE-278 for 2018 (b) (6)

(b) (6) Justina explained to me how to do it (thanks, Justina!)

Yes, you are correct that the organizations that invite me do so not because of my EPA affiliation but because I am a pediatrician and environmental epidemiologist who has worked in this field for more than 25 years. They do not use my EPA affiliation in their promotional materials.

If you could find out whether I should "count" weekend days in my estimates, it would help me a lot. I do much of my prep on weekends and if the weekend days need to be counted then the estimates

would be different. Please let me know.

Best,

(b) (6)

From: Lape, Jeff

Sent: Thursday, May 16, 2019 11:14 AM

To: (b) (6)

Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Nagle, Deborah <Nagle.Deborah@epa.gov>

Subject: RE: Request for approval of outside activity

Thanks (b) (6) Just for my clarification, when you say you are familiar with the requirements having just completed your OGE-278, which I don't see, you do report travel, lodging and meals as gifts in your annual reporting?

And again, for my benefit, these external organizations are also representing and characterizing you as (b) (6) the person, with no affiliation with EPA in their promotional materials?

As for estimating the time (travel, onsite and prep), I am simply observing that the estimates seem low to me. As a peer example, I just came to the west coast to give two talks. I was on the ground three days, in the air two days, and had spent a number of hours compiling information, researching and understanding the issues and organizations and preparing comments that could not be done while in transit. I suggest you need to be comfortable that the estimates are reasonable and reflect the leave that you need to take.

As Deborah has agreed to approve your annual leave, then this outside activity would be approvable and a personal outside activity with all the stipulations on use of government time and property that to are aware of.

Thanks

Jeff

From: (b) (6)

Sent: Thursday, May 16, 2019 10:03 AM

To: Lape, Jeff <lape.jeff@epa.gov>

Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Nagle, Deborah <Nagle.Deborah@epa.gov>

Subject: RE: Request for approval of outside activity

Hi Jeff,

I would be happy to sit down with you and Justina (and her staff, if needed) to review this request. I am familiar with the reporting requirements (having just completed my OGE-278 annual report).

Regarding the estimated amount of time, I would like to know whether I should "count" weekends or not. The estimate will change if you would like me to include weekend days. I am happy to include prep time.

Deborah and I have been discussing this for several weeks and she has approved the annual leave in advance. If you have any more questions or need any additional information, please let me know.

Best,

(b) (6)

From: Lape, Jeff

Sent: Wednesday, May 15, 2019 11:20 AM

To: (b) (6)

Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Nagle, Deborah <Nagle.Deborah@epa.gov>

Subject: RE: Request for approval of outside activity

Thanks (b) (6) I simply have not encountered this extent or nature of outside activity requests before, particularly for international endeavors which include substantial compensation, at least with regard to things like accommodations, meals, transportation, etc. I need Justina's and her Team's help with any parameters (e.g. reporting as gifts) and limitations beyond the normal outside activity restrictions. Also, as is the case with most of your requests, I perceive that your estimates of time devoted to personal activity are underestimated. For example, this request suggests 3 days at the Summit yet the requests talks about 4 nights lodging which basically equates to five days on site. And while you acknowledge three days for travel, there is no indication of prep time. I also suggest you have an explicit discussion with Deborah about the need for requests for annual leave and how this may impact your official duties.

Thanks for understanding. Our typical outside activities are for serving on the PTA, teaching a yoga class, or teaching a course at a local community college.

Jeff

From: (b) (6)

Sent: Wednesday, May 15, 2019 10:21 AM

To: Lape, Jeff <lape.jeff@epa.gov>

Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Nagle, Deborah <Nagle.Deborah@epa.gov>

Subject: Request for approval of outside activity

Hi Jeff,

This is a request for your approval to attend and speak at the Summit on Preventive Health Care on June 22-23, 2019 in Kowloon, Hong Kong as an outside activity.

The nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:

The Hong Kong Paediatric Foundation has invited me to be a guest speaker at the Summit on Preventive Health Care in Paediatrics on June 22-23, 2019 in Kowloon, Hong Kong. The Hong Kong Paediatric Foundation is a charitable organization wholly owned by the Hong Kong Paediatric Society and made up of professionals from transdisciplinary areas and inter-sectoral domains. Both the Hong Kong Paediatric Society and the Hong Kong Paediatric Foundation are dedicated to promotion of child health and child advocacy in Hong Kong. Because I will already be in Chengdu, China, attending a pediatric meeting, the Hong Kong Paediatric Foundation will provide me with a roundtrip airline ticket from Chengdu to Hong Kong, pick-up services at the airport, hotel accommodations for 4 nights at the Hotel Stage in Hong Kong, meals during the Summit and registration for the Summit. No honorarium will be given and no compensation will be provided.

The name and business of the person or organization for which the work will be done:

Dr. Chok Wan CHAN

Hong Kong Paediatric Foundation

Rm 3509, 35/F., Bank of America Tower,

12 Harcourt Road,

Central, Hong Kong

Phone: (b) (6)

(Dr. Chan is the Board Chairman of the Hong Kong Paediatric Foundation.)

The estimated time to be devoted to the activity:

An estimated 6 days would be devoted to the activity. This includes 3 days at the Summit and 3 days of travel.

Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required):

This service will be performed entirely while on leave or outside of normal duty hours.

I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 ([Subpart H on "Outside Activities"](#)) and Section 6401.103 ([EPA's Supplemental Regulations](#))

Any EPA assistance agreements or contracts held by a person to or for whom services would be provided:

None.

Please let me know if you approve this request.

Sincerely,

(b) (6), MD, PhD

From: [Fugh, Justina](#)
To: (b) (6)
Cc: ["Tom Pierce"](#); [Pierce, Tom](#); [Brunson, Gerald](#)
Subject: REVISED response to your request for outside activity
Date: Friday, January 25, 2019 2:40:00 PM

Dear (b) (6)

I have received your request to engage in outside activity to present a seminar at the University of Toronto on February 27 as part of their Environment and Health Seminar Series. You will be participating entirely in your personal capacity and have been offered and will accept travel reimbursement for this presentation. I have indicated to you that you may accept travel reimbursement from this university without triggering the emoluments clause of the US Constitution. Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that this approval applies only to this one speaking engagement. If the shutdown, which is now apparently over (breaking news!) for 3 weeks, resumes again then you will not have to seek my approval anew. But if the shutdown is really over at the time of this engagement, then you have agreed to continue in your personal capacity only and will take annual leave as appropriate.

Set forth below are some reminders:

Misuse of Position -- please remember that you are participating in your personal capacity, not on behalf of EPA. If you refer at all to your EPA position or title, then you may do so only as one of several biographical details with EPA not having any undue prominence. You cannot use any EPA time, equipment or resources in connection with this outside activity, nor can you feature the EPA seal or logo or share any nonpublic information.

Reporting requirement – If you are designated to file a financial disclosure report, then you will need to report any gift received from this one source if it exceeds \$390. For the purposes of aggregating gifts from a single source, you may exclude any individual gift of \$156 or less. So let's say that you accept a \$500 plane ticket. You will need to report that gift on your financial disclosure report that is due in 2020 that reports on CY 2019.

I am copying your deputy ethics officials on this note, just so they can see that I answered the corrected question and place this answer in your file.

Justina

Justina Fugh | Director, Ethics Law Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: (b) (6)
Sent: Friday, January 25, 2019 1:58 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: 'Tom Pierce' (b) (6)
Subject: RE: request for outside activity

Hi Justina,

Thank you. I did make an error in my request. I will be reimbursed for travel. It looks like I overwrote that sentence. I would like to make that amendment to my request. I apologize for the confusion.

(b) (6)

From: Fugh, Justina <Fugh.Justina@epa.gov>

Sent: Friday, January 25, 2019 1:55 PM

To: (b) (6)

Cc: Pierce, Tom <Pierce.Tom@epa.gov>; Brunson, Gerald <Brunson.Gerald@epa.gov>

Subject: RE: request for outside activity

Dear (b) (6)

I have received your request to engage in outside activity for compensation to present a seminar at the University of Toronto on February 27 as part of their Environment and Health Seminar Series. You will be participating entirely in your personal capacity and indicate that you have not been offered or will not accept any compensation, including travel reimbursement, for this presentation. To be clear, I have indicated to you that you may in fact accept travel reimbursement if offered from this university without triggering the emoluments clause of the US Constitution. Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that this approval applies only to this one speaking engagement. If the shutdown ends before this engagement, then you have agreed to continue in your personal capacity only and will take annual leave as appropriate.

Set forth below are some reminders:

Misuse of Position -- please remember that you are participating in your personal capacity, not on behalf of EPA. If you refer at all to your EPA position or title, then you may do so only as one of several biographical details with EPA not having any undue prominence. You cannot use any EPA time, equipment or resources in connection with this outside activity, nor can you feature the EPA seal or logo or share any nonpublic information.

I am copying your deputy ethics officials on this note, just so they can see that I answered the question and to put a copy of this determination in your ethics file.

Justina

Justina Fugh | Director, Ethics Law Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

-----Original Message-----

From: (b) (6)

Sent: Wednesday, January 23, 2019 5:02 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: request for outside activity

Hi Justina,

My DEO is Tom Pierce.

Please consider the following request:

(b) (6), Senior Science Advisor, GS-15 Outside activity: Present a seminar on February 27 as part of the Environment and Health Seminar Series. No compensation, travel expenses will be reimbursed.

Organization; The University of Toronto School of the Environment; Seminar series organizer is

Clare L.S. Wiseman, Associate Professor, Graduate Associate Director, School of the Environment, Dalla Lana School of Public Health, Department of Physical and Environmental Sciences (Scarborough), University of Toronto, Toronto, ON, Office: Rm 2097, Earth Sciences, Tel: (b) (6) Estimated time; Seminar presentation is 1.5 hours plus travel to and from Toronto (total 2-3 days depending on availability of flights), additional day of time to prepare presentation.

Service will be performed entirely outside of normal duty hours; I will take leave should the shutdown end before or during the travel.

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with preparation or presentation of the seminar. There is no compensation I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities") and Section 6401.103 (EPA's Supplemental Regulations); and I know of no EPA assistance agreements or contracts held by Dr Wiseman.

Please let me know if you need further information.

Thank you so much,

(b) (6)

-----Original Message-----

From: Fugh, Justina <Fugh.Justina@epa.gov>

Sent: Wednesday, January 23, 2019 3:51 PM

To: (b) (6)

Subject: RE: Ethics question

Hi (b) (6)

Just review the attached material and send me the request. Please remind me who is your Deputy Ethics Official so that I can copy that person on my response to you.

Justina

Justina Fugh | Director, Ethics Law Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

-----Original Message-----

From: (b) (6)

Sent: Wednesday, January 23, 2019 3:39 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: RE: Ethics question

Hi Justina,

I wanted to follow up and let you know that the seminar organizers would like to have me present in my personal capacity. They are clear that this will be without reference to my EPA position or title. I am clear that I will need to do this on my own time (take leave if EPA is open). Is there anything that I need to do to get approval for this as an outside activity? I am already approved to serve as EIC for JESEE (science journal) and believe that the approval should suffice. But, I wanted to double check.

Thank you so much,

(b) (6)

-----Original Message-----

From: Fugh, Justina <Fugh.Justina@epa.gov>

Sent: Wednesday, January 23, 2019 10:41 AM

To: (b) (6)

Cc: (b) (6)

Subject: RE: Ethics question

Hi (b) (6)-

So here's the thing: it's not easy to simply "convert" an official speech into a personal one. That said, in this case, you haven't exactly ventured very far down the path of one lane (official duty) or the other (personal capacity). Do you think that the organizer invited you in your official capacity or do they care? You should probably start by asking them if they will accept you in your personal capacity, without reference to your EPA position and title. If so, then if the shutdown ends, we could consider whether it's appropriate or advisable for you to convert to go in your official capacity.

If you do end up going in your personal capacity, I have already checked ... you may accept any travel reimbursement from the University of Toronto in your personal capacity without violating the emoluments clause of the US Constitution.

Justina

Justina Fugh | Director, Ethics Law Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

-----Original Message-----

From: (b) (6)

Sent: Monday, January 21, 2019 6:29 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Ethics question

Hi Justina,

I have a question about presenting a seminar at University of Toronto in February. I know that I can not do so in my capacity as an EPA employee. Prior to the shutdown, travel authorization was not initiated. However, I may have submitted with a list of anticipated travel through April. I honestly don't recall whether or not I did so. I do know I had not had a chance to discuss with my supervisor. May I travel to U of T and present a symposium on my own time and in my personal capacity? I do have outside activity approval to serve as the Editor-in-chief of JESEE. In the past, if I travel and/or present in my personal capacity as JESEE EIC, I did so under this approval. However, since I first discussed this seminar while at EPA, I wanted to double check before doing something that might not be appropriate.

Thank you so much for being there for us and for your guidance, (b) (6)

(b) (6)

Ruppe, Teresa

From: Ruppe, Teresa
Sent: Thursday, May 15, 2014 8:43 AM
To: (b) (6)
Cc: Stahl, Michael; Cherry, Katrina
Subject: RE: request for approval to teach at Vermont Law School

Hi (b) (6)

Mike Stahl has approved your request, and the following is your ethics determination to engage in an outside activity as summer faculty at Vermont Law School.

I understand you wish to teach an environmental justice course at Vermont Law School during the summer of 2014. Generally, federal employees are precluded from receiving compensation for any teaching, speaking, or writing that relates to official duty. However, there is an exception to the rule if the employee is teaching a course requiring multiple presentations, and the course is offered as part of the regularly established curriculum of an institution of higher education. See 5 CFR 2635.807(a)(3)(i)(A). I determine that your proposed activity does fit within this exception, and am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that, because your request is limited to this one course, you will need to seek approval for any other class that you may wish to teach.

As you conduct your course activities for Vermont Law School, please keep in mind the basic ethics obligations of federal service, including the following ethics principles:

1) Reference to Official Position: You may not reference your official title and position except as one of several biographical details (written biography, introductions, etc.). The regulations say: "[a]n employee may include or permit the inclusion of his title or position as one of several biographical details when such information is given to identify him in connection with his teaching, speaking or writing, provided that his title or position is given no more prominence than other significant biographical details." See 5 CFR 2635.807(b). How you are identified is important, so name plates, documents, and directory listings may not identify you as an EPA employee unless there is a prominent disclaimer. As necessary, you must advise the School about complying with this request; otherwise you run the risk of permitting them to misuse your official position. Be mindful of speaking about your official duties, since you do not want to give the impression that you are teaching the course in your official capacity. If necessary, you may also want to use a verbal disclaimer that you are teaching in your personal capacity and not a representative of EPA.

2) Representation Back to the US Government: As a federal employee you are generally prohibited by a criminal law from representing (acting as an agent or attorney on behalf of another) another entity back to the federal government (not limited to the EPA) in any matter in which the US is a party or has a direct and substantial interest. See 18 USC 203 and 205. An employee makes a communication or appearance on behalf of another person if the employee is acting as the other person's agent or attorney or if:

(a) The employee is acting with the consent of the other person, whether express or implied; and

(b) The employee is acting subject to some degree of control or direction by the other person in relation to the communication or appearance.

For example, you may not represent the Vermont Law School back to EPA or any other federal agency in an attempt to promote or otherwise affect the interests of the School.

3) Financial Conflicts of Interest: To avoid the appearance or the loss of impartiality in the performance of your official duties, and as prohibited by criminal statute, you may not work on anything having to do with Vermont Law School. The conflict of interest provision at 18 USC 208, bars employees from participating in any EPA particular matter that has a direct and predictable effect on the employee's or the organization's financial interest. As an employee of the School you have a financial conflict of interest. This means you cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon your outside employer. You cannot work on particular matters that involve the School as a specific party (e.g., whether an EPA employee should accept an invitation to speak at Vermont Law School), nor can you work on particular matters of general applicability (e.g., a grant proposal to which all colleges might apply if Vermont Law School is an expected applicant).

4) Misuse of Position: As a federal employee you may not use your official position for private gain, which includes use of EPA resources, equipment, materials, or official time. See 5 CFR 2635.701. For example, you may not commingle your EPA duties, authority and resources with something you are paid to do on your own time. That sort of "blending" is considered a misuse of position.

5) Fundraising: As a federal employee you cannot engage in any fundraising on behalf of a nonfederal entity in the government workplace or use government equipment. See 5 CFR 950.102(a).

6) Reporting Requirements: As long as you hold the position it is reportable on your Public Financial Disclosure Report, SF 278.

As always, thank you for being aware of the potential ethics concerns surrounding your teaching employment and for seeking approval. If you have any questions, please give me a call.

Regards,

Teresa Ruppe
Assistant Deputy Ethics Official
564-6619

From: (b) (6)
Sent: Wednesday, May 07, 2014 2:26 PM
To: Stahl, Michael
Cc: Ruppe, Teresa
Subject: request for approval to teach at Vermont Law School

Hi Mike: I am submitting my request for approval to teach at Vermont Law School this summer.

I am requesting approval to teach an environmental justice course at Vermont Law School during the summer 2014, for which I will receive compensation of \$(b) (6). The teaching will be done entirely outside of my normal duty hours and duty station. As always, I will use annual leave to teach the 2-week course. I will not use any EPA property, resources or facilities that are not available to the general public. I am not aware of a situation where any EPA assistance agreements or contracts are held by Vermont Law School.

Please let me know if you need additional information. Thanks!!! Best regards, (b) (6)

Ruppe, Teresa

From: Stahl, Michael
Sent: Tuesday, May 13, 2014 12:03 PM
To: Ruppe, Teresa
Subject: Re: request for approval to teach at Vermont Law School

Teresa -- I have considered (b) (6) request and have no concerns with it. I concur with your review and recommend that we approve it.

Mike

From: Ruppe, Teresa
Sent: Tuesday, May 13, 2014 3:41:46 PM
To: Stahl, Michael; Cherry, Katrina
Subject: RE: request for approval to teach at Vermont Law School

Mike,

(b) (6) has taught this course at Vermont Law School for a number of years and I have no ethics concerns. You'll recall the ethics requirement for outside employment has two parts – supervisor concurrence and ethics approval. To satisfy the ethics requirement I need your concurrence. Would you please confirm that you concur with (b) (6) request. Once I have your concurrence I'll prepare his ethics determination. Thanks.

Regards,
Teresa

From: Stahl, Michael
Sent: Wednesday, May 07, 2014 5:17 PM
To: Cherry, Katrina; Ruppe, Teresa
Subject: Fw: request for approval to teach at Vermont Law School

Please have Teresa get back to me with her review, ASAP. Thanks.

Mike

From: (b) (6)
Sent: Wednesday, May 7, 2014 6:26:05 PM
To: Stahl, Michael
Cc: Ruppe, Teresa
Subject: request for approval to teach at Vermont Law School

Hi Mike: I am submitting my request for approval to teach at Vermont Law School this summer.

I am requesting approval to teach an environmental justice course at Vermont Law School during the summer 2014, for which I will receive compensation of \$(b) (6). The teaching will be done entirely outside of my normal duty hours and duty station. As always, I will use annual leave to teach the 2-week course. I will not use any EPA property, resources or facilities that are not available to the general public. I am not aware of a situation where any EPA assistance agreements or contracts are held by Vermont Law School.

Please let me know if you need additional information. Thanks!!! Best regards, (b) (6)

From: (b) (6)
Sent: Tuesday, April 23, 2013 11:15 AM
To: Stahl, Michael
Cc: RUPPE, TERESA
Subject: request for approval to teach at Vermont Law School

Hi Mike: I am requesting approval to teach an environmental justice course at Vermont Law School during the summer 2013, for which I will receive compensation of \$(b) (6). The teaching will be done entirely outside of my normal duty hours and duty station. As always, I will use annual leave to teach the 2-week course. I will not use any EPA property, resources or facilities that are not available to the general public. I am not aware of a situation where any EPA assistance agreement or contracts are held by Vermont Law School.

Please let me know if you need additional information. Thanks!! Best regards, (b) (6)

(b) (6)

(b) (6)

Office of International and Tribal Affairs
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Ronald Reagan Federal Building
Mail Code: 2610R
Washington, D.C. 20460
(b) (6)
(Fax) (202) 564-2407

MEMORANDUM

February 14, 2018

SUBJECT: Request for Approval of Outside Employment

FROM: (b) (6) Health Physicist (b) (6)
Office of Emergency Management

TO: Reggie Cheatham, Deputy Ethics Official
Office of Emergency Management

I request approval of outside employment based on the following information:

Name, Title, and Grade: (b) (6) Health Physicist, O-6 (Commissioned Officer). Appointment as an Adjunct Assistant Professor in the Department of Environmental Health, Division of Environmental & Industrial Hygiene, College of Medicine, University of Cincinnati.

Nature of Outside activity, including full description of the services to be performed and the amount of compensation expected. To teach the non-ionizing radiation component of the "Physical Aspects of the Environment" course (26-EIH-7090C). As an Adjunct Assistant Professor, I will be responsible for developing and delivering two lectures on the topic of non-ionizing radiation. The course covers the principles and techniques of recognizing and evaluating health problems of vibration, heat, noise, non-ionizing, ultraviolet, visible, infrared, and microwave radiation. It is designed for graduate students pursuing a Masters or Doctorate in Industrial Hygiene, Epidemiology, or Biostatistics. I will be compensated about (b) (6) annually for my services.

The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next three years). University of Cincinnati: Department of Environmental Health, Division of Environmental & Industrial Hygiene, College of Medicine. Lectures on non-ionizing radiation to students enrolled in the Industrial Hygiene Program (number varies between 5 to 15 students per year).

Is the nature of this work related to my official duties for the EPA? This work is not related to my official duties because the University of Cincinnati is not subject to EPA regulation nor does the University have any financial interest related to EPA activities. The lecture topics (non-ionizing radiation) are not directly related to my primary responsibilities as a Health Physicist (ionizing radiation). The compensation for teaching does not pose any apparent conflict of interest that I can identify.

Estimated time devoted to the activity: The time commitment is anticipated to be about 24 hours per year; about 6 hours to teach 2 lectures and 16 hours to develop or update the lecture materials.

The service performed is always performed on personal time off EPA property. I will be on leave during the periods when I teach the course. No official EPA duty time or property, resources, or facilities are being used for personal or any financial gain or benefit.

I have read, and am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities) and Section 6401.103 (EPA's Supplemental Regulations). There are no EPA assistance agreements or contracts involved.

Approved:  3/14/18
Deputy Ethics Official Date

Disapproved: _____
Deputy Ethics Official Date

ROUTING AND TRANSMITTAL SLIP

DATE

Friday, March 16, 2018

TO: (Name, Office Symbol, Room Number, Building, Agency/Post)

Initials

Date

1. OEM Deputy Office Director - coord

2. OEM Office Director (Deputy Ethics Official) - sig

3.

4.

5.

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	X Signature
X Coordination	Justify	

REMARKS

The enclosed memorandum requests OEM Deputy Ethics Official approval for outside employment for (b) (6) CMAD. The memorandum addresses all the factors set forth in 5 CFR 6401.103, namely,

- name, title and grade;
- the nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;
- the name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next six months);
- the estimated time to be devoted to the activity;
- whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);
- a statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;
- the basis for compensation (e.g., fee, per diem, per annum, etc.);
- a statement that you have read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities") and Section 6401.103 (EPA's Supplemental Regulations); and
- an identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions.

FROM: (Name, Organization Symbol, Agency/Post)

Room Number - Building

(b) (6)

Phone Number

(b) (6)

(b) (6) CMAD

DATE: February 12, 2019

SUBJECT: Request for Approval to Engage in Outside Activity – Book Chapter

FROM: (b) (6) and (b) (6)

TO: Reggie Cheatham
Deputy Ethics Official, OEM

THRU: Gina Perovich
Director, CMAD

Gina Perovich 2/13/19

Paul Kudarauskas,
Branch Chief, Field Operations Branch

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, we are requesting your approval to participate in the outside employment/activity described below. We understand that this approval should have been obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

However, we are requesting an exception in this case because in 2008 we and (b) (6) (EPA at that time) authored a book chapter entitled, "Military Toxicology for Industrial Hygienists in an Operational Context". At some point a few years ago, (b) (6), who was the lead author, was contacted about doing a revision, at which point he declined, noting that that he was pretty far removed from the subject matter by then. Nothing was heard after that - until now.

A second edition is about to go to print. Neither (b) (6) nor (b) (6) had any prior knowledge about. A new author took our original 2008 text and simply updated it, keeping the original authors' names on there, and adding his. Neither of us reviewed this new version while it was in draft; however, we were recently presented with a final copy for their review (attached), which is how we came to know about the effort.

We reviewed the new chapter and the current revision was not significantly changed.

According to guidance for Outside Activities, approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

1. **Name, Title, and Grade:** (b) (6) Toxicologist, GS-15; (b) (6)
Health Physicist, O-6 (Commissioned Officer)
2. **Nature of Outside activity, including full description of the services to be performed and the amount of compensation expected,**
Reviewed revised book chapter for significant changes from a version published in 2008.

3. **The name and business of the person or organization for which the work will be done (in cases of self-employment), indicated the type of services to be rendered and estimate the number of clients or customers anticipated during the next six months.**
Not applicable. There is no business or organization for which this work was done. We did this in our own personal capacity. No services being rendered. We have no clients and don't anticipate any customers resulting from this publication.
4. **The estimated time to be devoted to the activity.**
About three hours.
5. **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required).**
All services were performed entirely outside normal duty hours.
6. **A statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.**
Not applicable since there is no employment associated with activity.
7. **The basis for compensation (e.g., fee, per diem, per annum, etc.)**
No compensation is involved with this activity.
8. **A statement that you have read, are familiar with, and will abide by the restrictions**
We have read and are familiar with and will abide by the restrictions described in 5 CFR Part 2635 and 6401.102.

** Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.*

*** Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment in advance or by reimbursement after the expense has been incurred.*

EMPLOYEE CERTIFICATION

1. I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.
2. I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401.
3. I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above).
4. I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.
5. I certify that I will not represent EPA, nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biographical details.
6. I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.
7. I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.
8. I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information.
9. I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

(b) (6)

(b) (6)

2/12/19

12 Feb 2019


APPROVAL

2/13/19
DATE

Form and Consent of Request for Outside Employment

Name: (b) (6)
Title: Program Analyst
Grade: GS 14

April 16, 2018

This document is my written request for prior approval for outside employment in accordance with § 6401.103.

Nature of Outside Activity: Provide meeting support and note taking.

What is meant by document automation?

Programmatically taking data from a web form and then using those inputs to populate a document (output), automating the process.

This outside activity I would be doing is for JWX Consulting. During the next 12 month period and possibly beyond, I would provide up to 20 hours/week outside of my EPA employment, possibly exceeding that amount on occasion. There is the possibility of taking annual leave time in small increments, though not likely. My compensation would be per hour.

There is one anticipated customer for which I would perform this activity, to automate the production of registration documents and websites and note taking. My outside employment would be conducted based on my availability during outside EPA hours. **To the best of my knowledge JWX Consulting does not have any contracts with the EPA or the federal government.**

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment.

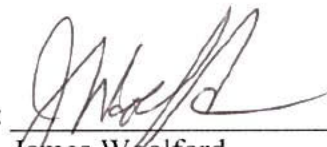
I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102; and there are no EPA assistance agreements or contracts held by me or JWX Consulting, LLC.

(b) (6)

(b) (6)

CMB

Approval: _____


James Woolford
OSRTI Deputy Ethic Officer

Denied: _____

James Woolford
OSRTI Deputy Ethic Officer =

(b) (6)

From: (b) (6)
Sent: Wednesday, January 09, 2019 5:01 PM
To: Fugh, Justina
Cc: Biro, Susan; (b) (6)
Subject: Re: Outside Employment Approval Request

Thank you, Justina.

On Wed, Jan 9, 2019 at 11:41 AM Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi,

Attached are the two requests for approval of outside employment, together with the two approvals. They are not identical, so please review each approval carefully to understand your limitations. When the shutdown is over, I will mail the hard copies to Susan Biro, your DEO, for her files.

Justina

Justina Fugh | Director, Ethics Law Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: (b) (6)
Sent: Wednesday, January 09, 2019 11:31 AM

To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Biro, Susan <Biro.Susan@epa.gov>; (b) (6)
Subject: Re: Outside Employment Approval Request

Hi Justina,

Thank you for approving my request for the provision of legal services for the single client as I have described.

Regarding the computer consulting, I will not form a business entity. I will not advertise. My clients will be acquired through my existing personal relationships that I have. I am generally known by friends and family to have expertise in these matters. I have friends who seek my advice on these matters and are willing to pay me for my expert advice and skills. These friends are lawyers who practice in the fields of domestic relations, criminal defense, and personal injury law. I do not plan to or expect to provide computing consulting services to anyone in EPA or the federal government.

The OALJ is in the process of a multi-years-long effort to replace our electronics filing and case tracking system. I am the OALJ's point of contact with the project officer who is an information technology specialist. This is probably the closest thing that could be considered computing consulting services to EPA but the scope and requirements for computer system networking in a single home or office or between a home and office is not similar or related to electronic case filing and tracking.

I hope this sufficiently addresses your questions.

Kind regards,

(b)
(6)

On Wed, Jan 9, 2019 at 7:58 AM Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi (b) (6)

I don't have enough information yet to be able to consider the request for computer consulting, so I broke your request into two parts (see attached requests). I am approving your request for performing legal duties for the one client, for the one articulated service. See attached.

For the computing services, however, I need to understand whether you plan to incorporate as a business (e.g., a Subchapter S corporation, LLC, LLP, etc.) or not. And I need to know whether you plan to advertise. How will you get clients otherwise? Do you plan or expect to provide any computing consulting services to EPA employees? Subordinates? Other federal employees? The federal government?

Justina

From: (b) (6)
Sent: Tuesday, January 08, 2019 4:37 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Biro, Susan <Biro.Susan@epa.gov>; (b) (6)
Subject: Re: Outside Employment Approval Request

- your name, title and grade;

(b) (6), Attorney-Advisor, GS-15

- the nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

-Practice of Law. I will file a document in state court for post-conviction relief of an individual. My personal appearance in court may or may not be required. I expect to be compensated no more than (b) (6)

-Computer networking/home audio/visual consulting. I will document the requirements for computer networks and A/V configurations and recommend the purchase of hardware and software. I may install the hardware and software depending on the needs of the client. I expect to be compensated no more than (b) (6) per job and I don't expect to complete more than 2 jobs within the next six months.

- the name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services

to be rendered and estimate the number of clients or customers anticipated during the next six months);

I will be self-employed. The type of services to be rendered are 1) the practice of law in matters in which the federal government does not have a substantial interest and is not otherwise a party to a proceeding; and 2) recommending hardware and software and installing the same. I anticipate having 3 clients in the next six months (one client for legal services and 2 clients for computer network consulting).

- the estimated time to be devoted to the activity;

I expect to devote no more than 3 hours to the provision of legal services. I expected to devote no more than 25 hours to the provision of computer network consulting services.

- confirmation that the service will be performed entirely outside of normal duty hours (and an indication of whether you anticipate continuing this activity when the shutdown ends);

The services will be performed entirely outside of normal duty hours. I do not anticipate providing legal services when the shutdown ends. I do anticipate providing computer network services after the shutdown ends.

- a statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment

- the basis for compensation (e.g., fee, per diem, per annum, etc.);

The compensation will be based on a flat fee for services rendered.

- a statement that you have read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 ([Subpart H on “Outside](#)

Activities) and Section 6401.103 (EPA's Supplemental Regulations);
and

I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities) and Section 6401.103 (EPA's Supplemental Regulations)

- an identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

There are no EPA assistance agreements or contracts held by a person to or for whom services would be provided.

On Tue, Jan 8, 2019 at 1:06 PM Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi there,

For both requests, please provide the following information to me:

- your name, title and grade;
- the nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;
- the name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next six months);
- the estimated time to be devoted to the activity;
- confirmation that the service will be performed entirely outside of normal duty hours (and an indication of whether you anticipate continuing this activity when the shutdown ends);
- a statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;
- the basis for compensation (e.g., fee, per diem, per annum, etc.);
- a statement that you have read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities) and Section 6401.103 (EPA's Supplemental Regulations); and
- an identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

Justina

Justina Fugh | Director, Ethics Law Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: (b) (6)
Sent: Tuesday, January 08, 2019 12:19 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Biro, Susan <Biro.Susan@epa.gov>; (b) (6)
Subject: Outside Employment Approval Request

Hi Justina,

I am employed as an Attorney-Advisor in the office of administrative law judges. I am seeking your approval for outside employment for two categories of activities. One involves the practice of law in the California state court. The other involves consulting on multimedia entertainment and computer system technologies for personal and business use.

I was contacted by a former client who would like for me to (b) (5)
(b) (6) This involves filing a form document with the state court and it may require a court appearance.

The consulting employment would involve advising individuals on home audio/theater configurations and computer system networks for their homes and offices.

Kind regards,

(b) (6)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

RECEIVED BY OALJ
2018 JAN 09 PM 4:05

JAN - 9 2019

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity to Provide Limited Legal Services

FROM: Justina Fugh *Justina Fugh*
Alternate Designated Agency Ethics Official

TO: (b) (6)
Attorney-Advisor
Office of Administrative Law Judges
Office of Mission Support

I have received your request to engage in outside activity for compensation to provide legal services for one client to (b) (6). Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that this approval applies only to this one client for this one service. Any other legal services will require a separate request for approval.

I have set forth below a reminder about several ethics principles:

Financial Conflicts of Interest

Because you will be compensated by this client, you will have a financial conflict of interest with him or her. You cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon this client. Frankly, I do not anticipate such a situation arising given your duties.

Representation

You are prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest, and also prohibited from receiving compensation for such representation. See 18 U.S.C. §§ 203 and 205. Because this representation will take place before a state court outside of the District of Columbia, I do not anticipate that you will trigger any representational conflict of interest. Just be mindful of the fact that you cannot contact the United States government on behalf of your client.

Reporting requirement

- Because you will be compensated for this activity, you will have to report both the income and the position on your confidential financial disclosure report that covers CY 2019 (that you will file by February 15, 2020). You will need to report the position in Part III and any gross income that exceeds \$1000 on Part I. Please note that the reportable threshold increased effective 1/1/19 (it used to be \$200).

* * * * *

As always, if you have any questions, please feel free to contact me at 564-1786.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

2018 JAN 31 PM 4:05

OFFICE OF
GENERAL COUNSEL

JAN - 9 2019

MEMORANDUM

SUBJECT: Approval of Outside Activity for Limited Consulting Services

FROM: Justina Fugh *Justina Fugh*
Alternate Designated Agency Ethics Official

TO: (b) (6)
Attorney-Advisor
Office of Administrative Law Judges
Office of Mission Support

I have received your request to engage in outside activity for compensation to provide consulting services in the area of computer networking and audio/visual installation and configuration. You do not intend to incorporate as a business entity and do not intend to offer or provide any services to fellow EPA employees. Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that this approval applies to these limited consulting services only.

I have set forth below a reminder about several ethics principles:

Financial Conflicts of Interest

Because you will be compensated by your clients, you will have a financial conflict of interest with them. You cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon them.

Representation

You cannot represent the client back to the federal government in any matter in which the United States is a party or has a direct and substantial interest, nor can you accept compensation for such representation. See 18 U.S.C. §§ 203 and 205.

Loss of Impartiality

Remember that, for one year after you perform the services and are compensated, you will still have a covered relationship with these clients pursuant to

5 C.F.R. § 2635.502(b)(iii). You will not be able to work on any specific party matter in which the client(s) is a party or represents a party.

Misuse of Position

Because you expect to continue this outside activity after the shutdown ends, please remember that you cannot use any EPA time, equipment or resources in connection with your consultation work. There is no *de minimis* exception for use of government equipment for any compensated outside activity. In addition, please be mindful of the fact that 41 C.F.R § 102-74.410 precludes you from collecting any private debt on federal premises.

Reporting requirement

Because you will be compensated for this activity, you will have to report both the income and the position on your confidential financial disclosure report that covers CY 2019 (that you will file by February 15, 2020). You will need to report the position in Part III and any gross income that exceeds \$1000 on Part I. Please note that the reportable threshold increased effective 1/1/19 (it used to be \$200).

* * * * *

As always, if you have any questions, please feel free to contact me at 564-1786.

Shenefiel, Pam

From: Moser, Rebecca
Sent: Tuesday, May 14, 2019 9:40 AM
To: (b) (6)
Cc: Shenefiel, Pam
Subject: Additional Information Regarding the Outside Position Reported on your OGE 450
Attachments: (b) (6) OutsidePositionInformation.pdf

(b) (6)

Thank you for providing additional information on the outside position that you hold at the University of North Carolina at Chapel Hill as a Professor of the Practice. I have reviewed the additional information that you provided, and I do not see a conflict with the duties that you perform in your position at EPA.

Thanks,
Rebecca

Rebecca G. Moser
Director, Office of Enterprise Information Programs
Office of Mission Support
U.S. Environmental Protection Agency
Phone: 202-566-0252

Outside Position Information

Employee name, title and grade level: (b) (6) Program Analyst,
GS-15

Nature of the outside activity: *Serve as "Professor of the Practice" member of the faculty of The University of North Carolina at Chapel Hill, School of Information and Library Science by supporting school activities and initiatives and serving as a professional resource as needed. Activities could include attendance at School functions, speaking to student classes, or generally representing the School to constituents.*

Name and business of the person or organization for which work will be done: *If self-employment, indicate the type of services that would be rendered and estimate the number of clients or customers that you would expect to serve within the next six months.*

Estimated time to be devoted to the activity: *Less than 5 hours per year.*

Would services be performed entirely outside normal duty hours: Yes/No. *If "no," estimate the number of hours of absence from work that would be needed to engage in this outside employment/activity. All activities would usually be done outside of duty hours.*

Amount of compensation expected and basis of compensation (e.g., fee, per diem, per annum, etc): *No compensation is provided for this honorary position.*

I will use no official duty time or government property, resources, or facilities available to the general public in connection with this outside employment/activity. In addition, no EPA assistance agreements or contracts are being provided to the entity to/for whom I would be providing my services through this outside employment/activity. I have read, am familiar with, and will abide by the restrictions described in 5CFR part 2635 and Section 6401.102.

(b) (6)

5-7-19

Date

MEMORANDUM

SUBJECT: Request for Approval to Engage in Outside Employment

FROM: (b) (6)

Office of Environmental Information, Office of Environmental Information Programs,
Enterprise Quality Management Division (OEI, OEIP, EQMD)

TO: Monica Jones, Deputy Director, OEIP, OEIP Deputy Ethics Official (DEO)
Pam Shenefiel, OEIP Assistant DEO

THROUGH: Vincia Holloman, Acting Director, EQMD, OEI

VCH 4/27/17

As required by the EPA supplemental ethics regulation, I am submitting this request for your approval to engage in outside employment. In order for you to make decision, I submit the following:

(b) (6) Environmental Protection Specialist, GS-15

Nature of the Outside Activity: *Serve as an instructor for Webster University teaching evening courses entitled Operations and Project Management and Project Procurement Management. These courses are not related to my current duties and responsibilities at EPA. The courses focus on many case studies of service providing industries such as restaurants, retail chains, and factories. These courses teach student how to compute various mathematical formulas such as productivity, critical path, and regression analysis. These courses do not discuss EPA nor do they discuss my duties of implementing EPA's Quality Program.*

Name of business or profession: *Webster University, National Capital Region. I teach a total of one to four times a year, depending on enrollment. These classes are nine weeks in length and meet in the evenings or on Saturday. Class sizes range from five to 16 students.*

Amount of compensation expected and basis of compensation (e.g., fee, per diem, per annum, etc): (b) (6) before taxes.

Estimated time devoted to this activity: *Two to four hours each evening or on Saturday's.*

Indicate whether the activity will be performed entirely outside of normal duty hours:
These courses are performed entirely outside of normal duty hours and do not require me to take leave or be absent from work.

I will use no official duty time. Government property, resources, or facilities not available to the general public to conduct this activity.

I have read and am familiar with and will abide by the restrictions described in 5CFR Part 2635 and Section 6401.102.

There are no EPA assistance agreements or contracts held by the entity the service are being provided to.

Approved X

Disapproved

Monica Jones

Monica Jones, Deputy Ethics Official, OEIP

4/27/2017

Date

MEMORANDUM

SUBJECT: Request for Approval to Engage in Outside Employment

FROM:

(b) (6)

(b) (6)

4/26/2016

Office of Environmental Information (OEI), Quality Staff

TO:

Steven Fine, Deputy Ethics Official (DEO)
OEI

Brenda Young, Assistant DEO, OEI

THROUGH:

mtj
Monica Jones, Director, Quality Staff, OEI

As required by the EPA supplemental ethics regulations, I am submitting this request for your approval to engage in outside employment. In order for you to make your decision, I submit the following:

(b) (6)

Environmental Protection Specialist, GS-15:

Nature of the Outside Activity: *Serve as an instructor for Webster University teaching an evening courses entitled Operations and Project Management and Project Procurement Management. These courses are not related to my current duties and responsibilities at EPA. The course focuses on many case studies of service providing industries such as restaurants, retail chains, and factories. These courses teach students how to compute various mathematical formulas such as productivity, critical path, and regression analysis. These courses do not discuss EPA nor does it discuss my duties of implementing an Agency quality training program, developing Agency quality guidance, or conducting oversight of the Agency's Quality Program.*

Name of business or profession: *Webster University, National Capital Region. I teach a total of one to four times a year, depending on enrollment. These classes are nine weeks in length and meet in the evenings or on Saturdays. Class size ranges from five to 12 students.*

Amount of compensation expected and basis of compensation (e.g., fee, per diem, per annum, etc): (b) (6)

Estimated time devoted to this activity: Two to four hours each evening or on a Saturday.

Indicate whether the activity will be performed entirely outside of normal duty hours:
These courses are performed entirely outside of normal duty hours and do not require me to take leave or be absent from work.

I will use no official duty time, Government property, resources, or facilities not available to the general public to conduct this activity.

I have read and am familiar with and will abide by the restrictions described in 5CFR part 2635 and Section 6401.102.

There are no EPA assistance agreements or contracts held by the entity the services are being provided to.

Approved X Disapproved _____

Steven Fine
Steven Fine, Deputy Ethics Official, OEI

5/4/16
Date

Peabody, Hitch

From: Peabody, Hitch
Sent: Thursday, April 4, 2019 2:11 PM
To: (b) (6)
Cc: Hart, Debbi; Kamen, Mara
Subject: RE: Ethics question from (b) (6)

(b) (6)

As OHR's Deputy Ethics Official, I have reviewed the material you provided and see no ethics concerns. I am happy to approve your request to serve as an unpaid, volunteer member of the Howard County Commission for Women. Congratulations on your nomination!

Hitch

Hitch Peabody
Acting Deputy Director
Office of Human Resources | OMS | EPA
202.564.8596 desk | 202.725.5781 cell

From: (b) (6)
Sent: Thursday, April 4, 2019 1:35 PM
To: Peabody, Hitch <Peabody.Hitch@epa.gov>
Cc: Hart, Debbi <Hart.Debbi@epa.gov>
Subject: Ethics question from (b) (6)

Hi, Hitch.

I understand that you have taken over the Ethics Officer role that Wes used to have in OHR. I am seeking approval to become an unpaid, volunteer member of the Howard County Commission for Women. I have been nominated by Howard County Executive Calvin Ball to serve on the Commission, which has the following duties:

The Howard County Commission for Women was established by statute in 1980 to promote the economic, social and political equality of women. The Commission has the authority to conduct studies, review progress, recommend action, and carry out activities to support this purpose. This may include:

- Collecting, analyzing and disseminating information to assist in changing attitudes and eliminating discriminatory behavior
- Studying conditions which demonstrate inequalities and unmet needs concerning women, issuing position papers, and recommending procedures or legislation to remedy them
- Stimulating efforts to expand educational and employment opportunities for women
- Promoting recognition of women's accomplishments
- Publicizing activities and services of interest to women

<https://www.howardcountymd.gov/CFW>

Meetings will be held after business hours and my Commission work will not conflict with my EPA responsibilities.

At your convenience, please let me know if this would be an acceptable activity for me to engage in.

Thanks!

(b) (6)

(b) (6)

OMS/OHR/PPTD – Workforce Planning Branch

U.S. Environmental Protection Agency (EPA)

Email: (b) (6)

Phone: (b) (6)

www.epa.gov

MEMORANDUM

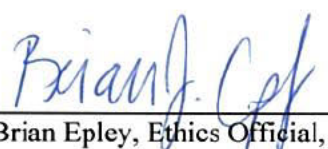
SUBJECT: Request to Engage in Outside Self Employment

FROM: (b) (6) Branch Chief
Office of Information Technology Operations

TO: Brian Epley, Deputy Ethics Official
Office of Information & Technology Operations

As required by the EPA supplemental ethics regulations, I am submitting this request for your approval to engage in outside self-employment. In order for you to make your decision, I submit the following:

1. Employees Name, Title and Grade: (b) (6) Branch Chief GS 15
2. Nature of the Outside Activity: At present, I do part-time contract work (adjunct faculty) for UMUC and UoPhx
3. Name of business or profession: UMUC and UoPhx
4. Estimated time devoted to this activity: The contract work is on an as-needed basis and I am asked to teach a course(s) of 20-25 adult learners.
5. Whether the activity will be performed outside of normal duty hours: Outside of business hours
6. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment
7. I have read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 ([Subpart H on "Outside Activities"](#)) and Section 6401.103 ([EPA's Supplemental Regulations](#))
8. No EPA agreements or contracts held by a person or for whom services would be provided


Approved, Brian Epley, Ethics Official, OITO

3/14/18
Date

MEMORANDUM

SUBJECT: Request for Approval to Engage in Outside Employment/Activity

FROM: (b) (6) Division Director eDiscovery Division
Office of Enterprise Information Programs

TO: Monica Jones, Deputy Ethics Official
Office of Enterprise Information Programs

In accordance with the standards of ethical conduct and EPA's supplemental ethics regulations, I am writing to request your approval as OEIP's Deputy Ethics Official (DEO) for my engagement in outside employment or an outside activity. The specifics regarding this employment/activity are listed below for your consideration.

Employee name, title and grade level:

(b) (6) Division Director, eDiscovery Division. GS-15

Nature of the outside activity:

Providing professional consulting services to companies penetrating the federal marketplace delivering agile development, security and consulting services. The work being performed will be in no way related to my role delivering eDiscovery Services for the EPA.

Name and business of the person or organization for which work will be done:

If self-employment, indicate the type of services that would be rendered and estimate the number of clients or customers that you would expect to serve within the next six months.

I will be a self-employed independent consultant, leveraging my Master's Degree in Business Administration and marketing experience from the private sector. Consulting services will focus on companies that are expanding into the federal marketplace providing assistance to formulate a targeted entry strategies and or modify existing strategies. Training services will be provided to assist marketing and sales executives on how to conduct initial contacts through the entire sales cycle. Within the next six months I expect to enter relationships with Cast software, Parker Group Consulting.

Identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:

Estimated time to be devoted to the activity:

Fifteen hours per month.

Would services be performed entirely outside normal duty hours: Yes/No. *If "no," estimate the number of hours of absence from work that would be needed to engage in this outside employment/activity.*

Yes

Amount of compensation expected and basis of compensation (e.g., fee, per diem, per annum, etc):

Consulting retainer fee (b) (6) or hourly rate negotiated per each agreement.

I will use no official duty time or government property, resources, or facilities available to the general public in connection with this outside employment/activity. In addition, no EPA assistance agreements or contracts are being provided to the entity to/for whom I would be providing my services through this outside employment/activity. I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).

Follow up questions from EPA Ethics Office:

Does your current position involve any contracting duties? If yes, do any of your current contracting duties involve working with any of the contractors you may be working with in your outside consulting work?

Response: As Division Director I do not have any contracting duties. My EPA work does not involve any of the contractors I will be working with

Did your previous position involve any contracting duties? If yes, did any of your previous contracting duties involve working with any of the contractors you may be working with in your outside consulting work?

Response: As Principle Deputy Assistant Secretary at the Department of Veterans Affairs I did not have any contracting duties.

In the past year, have you worked with Cast software or the Parker Group Consulting in your official government role?

Response: No

During your tenure at VA, did you have a request for approval to engage in outside employment/activity? If yes, was your request approved?

Response: While at the VA did not seek approval for outside employment.

Approved X Disapproved _____

Monica Jones

Monica Jones, Deputy Ethics Official
Office of Enterprise Information Programs

4/21/2017

Date

(b) (6)

From: Fugh, Justina
Sent: Monday, October 09, 2017 11:30 AM
To: (b) (6)
Cc: Ward, Mary-Beth
Subject: RE: follow up advice ...

(b) (6)

The supplemental ethics regulation requires concurrence, not approval, from the first level supervisor. That's why I wrote that I need to "see that the chief judge is aware," meaning that I needed confirmation from the lead judge – not you as the requestor – indicating no objections. Having received such confirmation, see below.

APPROVAL OF OUTSIDE ACTIVITY

I have received your request to engage in outside activity for compensation as an adjunct faculty member at the Villanova University Charles Widger School of Law. You wish to teach one law school course entitled "Natural Resources Law" during the Spring of 2018 (January-May 2018) academic semester. Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that, generally, an approval for outside employment remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your duties, including taking on any additional or other courses.

Financial Conflicts of Interest

Because you will be compensated by Villanova University, you may well be considered its employee (as opposed to an independent contractor) and therefore have a financial conflict of interest. You cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon your outside employer. You cannot work on particular matters that involve Villanova University as a specific party (e.g., whether the Chief EAB Judge should accept an invitation to speak at the University), nor can you work on particular matters of general applicability (e.g., a grant proposal to which all colleges might apply if Villanova University is an expected applicant).

You will need to report the income from this outside activity on Part 2 of the relevant financial disclosure statement, and the outside position on Part 1.

Representation

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 USC §§ 203 and 205. In your capacity as an adjunct faculty member, you cannot contact the US government on behalf of Villanova University, which may include contacting federal employees to speak before your law school classes.

* * * * *

As always, if you have any questions, please feel free to contact me at 564-1786.

From: (b) (6)
Sent: Monday, October 02, 2017 7:11 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Lynch, Mary-Kay <Lynch.Mary-Kay@epa.gov>; Ward, Mary-Beth <Ward.Mary-Beth@epa.gov>
Subject: Fwd: follow up advice ...

Justina:

Below Is the email I referenced in my email of a few minutes ago, which provides “We’ll just need to see that the chief judge is aware of the situation (no approval by that person is required).”

(b) (6)

cc: Mary Kay and Mary Beth

Sent from my iPhone

Begin forwarded message:

From: "Fugh, Justina" <Fugh.Justina@epa.gov>
Date: September 27, 2016 at 3:13:29 PM EDT
To: (b) (6)
Subject: follow up advice ...

Hi (b) (6),

In the event that you decide to renew your appointment with Villanova, you’ll have to seek prior approval of the outside activity by sending an email through your immediate supervisor (whoever is the chief judge at the time) to me. We’ll just need to see that the chief judge is aware of the situation (no approval by that person is required). Your note should address the following:

- name, title and grade;
- the nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;
- the name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next six months);
- the estimated time to be devoted to the activity;
- whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);
- a statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

- the basis for compensation (e.g., fee, per diem, per annum, etc.)
- a statement that you have read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 ([Subpart H on “Outside Activities”](#)) and Section 6401.103 ([EPA’s Supplemental Regulations](#)); and
- an identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

I’ll provide you with the necessary approval and reminders about what you can/can’t do on government time, as well as a reminder about not representing back to the US government on behalf of the university.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

(b) (6)

From: Ward, Mary-Beth
Sent: Tuesday, October 03, 2017 11:46 AM
To: Fugh, Justina
Cc: (b) (6)
Subject: FW: Seeking Approval to teach Natural Resources Law, Spring 2018

Hi Justina –

I and the other EAB Judges are okay with (b) (6) proposal below, and request that you approve.

Thanks –

Mary Beth

From: (b) (6)
Sent: Tuesday, October 03, 2017 10:25 AM
To: Ward, Mary-Beth <Ward.Mary-Beth@epa.gov>
Subject: Seeking Approval to teach Natural Resources Law, Spring 2018

Mary Beth:

I am seeking approval to teach Natural Resources Law as an adjunct faculty member at the Villanova University Charles Widger School of Law during the Spring of 2018 (January-May 2018) academic semester. The information that the Ethics Officials need is below. I'd appreciate it if you could forward this request for approval to Justina Fugh.

Thanks,

(b) (6)

(b) (6)
Environmental Appeals Judge
Environmental Appeals Board
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW – Mailcode 1103M
Washington, DC 20460

(b) (6)
Fax: 202-233-0121

Email: (b) (6)

The following information is provided for approval to teach Natural Resources Law as an adjunct faculty member at the Villanova University Charles Widger School of Law during the Spring of 2018 (January-May 2018) academic semester.

- 1) (b) (6), Environmental Appeals Judges, ES-00.
- 2) Teaching Natural Resources Law course. (I have previously co-taught this course at Villanova in the Spring 2011, Spring 2012, Spring 2014, and Spring 2016, while I worked at the Department of Justice, prior to joining EPA in September 2016). This is a two-hour class every Monday evening (5:15-7:15pm) during the Spring academic semester (January-May 2018).

- 3) Work will be done for the Villanova University Charles Widger School of Law; 299 N. Spring Mill Rd.; Villanova, PA 19085.
- 4) Estimated time devoted to the activity will be approximately 8 hours each Monday that the course is taught and approximately 2-3 hours on the weekend before each class. There will be approximately 13 classes during the semester.
- 5) For each course day (i.e., each Monday during the Spring 2018 academic calendar), I plan to work a half day in the morning and take a half day of annual leave in the afternoon.
- 6) No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment.
- 7) I will receive an honorarium of (b) (6) and reimbursed travel expenses as incurred.
- 8) I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities) and Section 6401.103 (EPA's Supplemental Regulations).
- 9) I have identified the following EPA assistance agreements or contracts held by Villanova University (I did **not** limit my search to the law school): Nanoenhanced Phase Change Materials for Advanced Energy Storage; Linking Impacts of Climate Change to Carbon and Phosphorus Dynamics Along a Salinity Gradient in Tidal Marshes; Next Generation Volume Reduction Green Infrastructure Stormwater Control Measures in Support of Philadelphia's Green City Clean Waters Initiative; An Integrated Strategy to Improve Green Infrastructure Approaches in the Urban Context: A Philadelphia Case Study; Accurate Building Integrated Photovoltaic System (BIPV) Architectural Design Tool; and Alkali-Activated Slag Cements as a Sustainable Building Material. Some of the programs I have identified were grants that may have expired, but I listed them in an abundance of caution.

Please let me know if you need any additional information or clarification.

Thanks,

(b) (6)

cc: Mary Kay Lynch (EAB Administrative Lead Judge, FY 2017) and Mary Beth Ward (EAB Administrative Lead Judge, FY 2018)

(b) (6)

Environmental Appeals Judge
Environmental Appeals Board
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW – Mailcode 1103M
Washington, DC 20460
Phone: (b) (6)
Fax: 202-233-0121
Email: (b) (6)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
CINCINNATI, OHIO 45268

August 9, 2017

MEMORANDUM

SUBJECT: Outside Activity - (b) (6)
(b) (6)

FROM: (b) (6)
Manager, Specialized Service Center
Cincinnati Procurement Operations Division (CPOD)
Office of Acquisition Management (OAM)

THRU: Lisa M. Stultz *Lisa M. Stultz*
Director
Cincinnati Procurement Operations Division
Office of Acquisition Management

TO: Kimberly Y. Patrick, Director
Deputy Ethics Official
Office of Acquisition Management

Dear Ms. Patrick,

I am seeking your approval as the OAM Deputy Ethics Official (DEO) for my participation in an outside activity. I was recently asked by the Mayor of the City of Walton, Kentucky to serve on the city's Board of Adjustments with probable follow-on service on the city's Code Enforcement Board. I will serve on only one board at a time. Both of these positions are non-partisan, therefore free from any political party affiliation.

Per the EPA's supplemental regulations implementing 5 C.F.R. § 2635.803 and 5 CFR Part 6401, the following information ideally will assist in the DEO approval:

Name, title and grade

(b) (6) GS-1102/15
Manager, Specialized Service Center, Cincinnati Procurement Operations Division

Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected

According to Kentucky Regulatory Statute (KRS) 100.257, the Board of Adjustment has the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the zoning regulation. The City of Walton Board of Adjustments meets on an as-needed basis.

The City of Walton's Code Enforcement Board is a joint board with the city of Union, Kentucky. The board meets as needed to address and mediate citizen complaints in relation to the City's nuisance code or other ordinances.

For both boards, my services will be comprised of reviewing and analyzing documentation and verbal testimony submitted by the applicant/citizen, coordinating with city and county officials as needed, reviewing state, county and city regulations, and drafting decision reports made by the boards.

Regarding compensation, the City of Walton pays (b) (6) per meeting; however, I do not intend to accept any compensation for services I provide.

Name and business of the person or organization for which the work will be done

City of Walton, Kentucky

Estimated time to be devoted to the activity

5-10 hours per year. The city mayor told me that last year, the Board of Adjustments met only twice.

Whether the service will be performed entirely outside of normal duty hours

All work will be performed outside of normal duty hours. I do not anticipate the need for any leave to be taken from my EPA position in order to complete the board duties.

Statement that no official duty time or Government property, resources, or facilities available to the general public will be used in connection with the outside employment

I affirm that no official duty time or EPA property, resources, or facilities will be used in connection with the outside activity. Since I will be supporting the City of Walton, it is very likely I will be using the local city facilities and resources for completion of the duties.

Basis for compensation (e.g., fee, per diem, per annum, etc.)

The (b) (6) per meeting fee is paid by the City of Walton. As previously stated, I do not intend to accept any fee for the board services I perform.

Statement that the employee has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and 5 CFR Section 6401.102 (EPA's Supplemental Regulations)

I affirm that I have read, understand and am familiar with subpart H of 5 CFR Part 2635 and 5 CFR Section 6401.102 of the EPA Supplemental Regulations. I will abide by the restrictions set forth in these documents.

Identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

None.

I believe this outside activity will not raise any conflicts of interest with my official duties at the US EPA. It is highly unlikely that there would be any subject matter overlap, and I will in no way be utilizing my status as an EPA employee to participate in these activities.

(b) (6)

From: Stultz, Lisa
Sent: Tuesday, September 12, 2017 12:37 PM
To: (b) (6)
Subject: FW: Outside employment requests

Good afternoon,

Kimberly has approved both of your outside employment requests. Please use this email as confirmation of your requests. If you have any questions, please let me know! Thanks,

Lisa

-----Original Message-----

From: Patrick, Kimberly
Sent: Tuesday, September 12, 2017 11:54 AM
To: Stultz, Lisa <Stultz.Lisa@epa.gov>
Cc: Legare, Pamela <Legare.Pamela@epa.gov>
Subject: Re: Outside employment requests

Lisa,

I approve both other these requests.

Kimberly Y. Patrick, Director
EPA Office of Acquisition Management
Office: 202-564-4310
Mobile: 202-816-1928

> On Sep 7, 2017, at 10:09 AM, Stultz, Lisa <Stultz.Lisa@epa.gov> wrote:

>

> Thanks so much! Hope you recovery is going well!

>

> -----Original Message-----

> **From:** Patrick, Kimberly
> **Sent:** Thursday, September 07, 2017 10:04 AM
> **To:** Stultz, Lisa <Stultz.Lisa@epa.gov>
> **Subject:** Re: Outside employment requests

>

> Thanks for the reminder on this, Lisa. I will give a response to both requests today.

>

> Kimberly Y. Patrick, Director
> EPA Office of Acquisition Management
> Office: 202-564-4310
> Mobile: 202-816-1928

>

>> On Sep 7, 2017, at 9:41 AM, Stultz, Lisa <Stultz.Lisa@epa.gov> wrote:

>>

>> Good morning, Kimberly!

>>
>> I wanted to follow up and see if you have any questions in regards to
>> the outside employment request we submitted for (b) (6)
>> Also, I have received a second request for outside employment for a
>> CPOD employee, (b) (6) have attached this request to the
>> email as well. Please let me know if you have any questions we can
>> address for you! Thanks,
>>
>> Lisa
>>
>> From: Stultz, Lisa
>> Sent: Tuesday, August 01, 2017 4:16 PM
>> To: Patrick, Kimberly <Patrick.Kimberly@epa.gov>
>> Cc: (b) (6); Growney,
>> Matthew <Growney.Matthew@epa.gov>
>> Subject: FW:
>>
>> Good afternoon, Kimberly,
>>
>> In accordance with Agency supplemental regulations, one of our CPOD employees is requesting approval for outside
employment. Please see the memorandum attached. I have reviewed the request, and recommend approval. Per 5
CFR 6401, this outside employment is not expected to involve conduct prohibited by statute or Federal regulation,
including 5 CFR part 2635 and Sec. 6401.102.
>>
>> Per my reading of the ethics regulations, this request should be
>> approved by our Deputy Ethics Official. For your convenience, I have
>> included a sample approval memorandum if needed. Please let me know
>> if you have any questions! Thanks,
>>
>> Lisa
>> Lisa M. Stultz, Director
>> Cincinnati Procurement Operations Division (CPOD) U.S. Environmental
>> Protection Agency
>> 26 West Martin Luther King Drive
>> Mail Stop: NORWOOD
>> Cincinnati, OH 45268
>> Office: 513-487-2041
>> Email: stultz.lisa@epa.gov<mailto:stultz.lisa@epa.gov>
>>
>>
>>
>> <image2017-08-01-161939.pdf>
>> <sample form.doc>
>> <outside employment request (b) (6) 2017-09-07-094511.pdf>

Mclain, Jennifer

From: (b) (6)
Sent: Tuesday, April 11, 2017 6:54 PM
To: Mclain, Jennifer
Subject: RE: Outside activity

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Jennifer

I have answered each question below:

- name, title and grade;

(b) (6) Environmental Scientist; GS-14

- the nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

Real estate agent; assist clients with purchase and sale of real estate; compensated by commission, usually (b) (6) of sales price after broker fees

- the name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next six months);

DCRE Residential; CEO – Sheila Simkin

- the estimated time to be devoted to the activity;

Currently none but I continue to hold the license and based on experience, I will estimate ~10 hours each month if I become more active.

- whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

Activities will be performed outside of work and I do not expect to take absence from work to perform these activities.

- a statement that no official duty time or Government property, resources, or facilities available to the general public will be used in connection with the outside employment;

No official duty time or Government property, resources, or facilities available to the general public will be used in connection with my outside employment.

- the basis for compensation (e.g., fee, per diem, per annum, etc.)

Commission for each sale/purchase.

- a statement that the employee has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations); and

I have read, am familiar with and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).

- an identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

I do not have any EPA assistance agreements or contracts with anyone to provide services.

Thank you

(b) (6)

From: Mclain, Jennifer

Sent: Friday, April 07, 2017 3:28 PM

To: (b) (6)

Subject: Outside activity

(b) (6)

Your outside activity approval has just expired (they are good for 5 years). You should prepare a written request for approval of outside employment through your supervisor to the Deputy Ethics Official (me). You can do this through email providing your responses for each of the following items:

- name, title and grade;
- the nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;
- the name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next six months);
- the estimated time to be devoted to the activity;
- whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);
- a statement that no official duty time or Government property, resources, or facilities available to the general public will be used in connection with the outside employment;
- the basis for compensation (e.g., fee, per diem, per annum, etc.);
- a statement that the employee has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations); and
- an identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

A few additional ethics reminders:

- You must report the outside position in Part III of the 450 financial disclosure form (as you have done)
- If you earn gross income of more than \$200, you also have to report the business in Part I of the 450 financial disclosure form (as you have done)
- Because you are compensated for the activity, you can't ever use any EPA equipment, including phones/workspace/computer/time. The Agency's Limited Personal Use of Equipment policy, found

From: [Connors, Sandra](#)
To: (b) (6)
Cc: [Cahanap, Concepcion](#)
Subject: RE: Request for ethics clearance for week-long outside employment
Date: Tuesday, April 24, 2018 1:29:44 PM

(b) (6) – Thank you for this additional information. Based on the information below, I approve your participation and appreciate your inclusion of this information as appropriate for your Financial Disclosure report.

Sandra

Sandra L. Connors
Deputy Director
Office of Wetlands, Oceans, and Watersheds
US Environmental Protection Agency, MC 4501T
1200 Pennsylvania Avenue, WJCW 7130A
Washington, DC 20460
(202)564-4231
connors.sandra@epa.gov

From: (b) (6)
Sent: Tuesday, April 24, 2018 10:35 AM
To: Connors, Sandra <Connors.Sandra@epa.gov>
Subject: FW: Request for ethics clearance for week-long outside employment

Hi Sandra:

Thanks for our discussion regarding the WYSE opportunity discussed in my April 13th email. Two additional pieces of information for you, that may be helpful in your evaluation:

1. I will be on annual leave for the entire period, and will use no government property, resources, or facilities as part of my WYSE-related activities.
2. I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 on “Outside Activities” and EPA’s section 5401.102 supplemental regulations. (I found a copy online, in addition to materials associated with our annual ethics training.)

Please let me know if you have any questions, and if you’d like to discuss further. Thanks!

(b) (6)

From: (b) (6)
Sent: Friday, April 13, 2018 3:29 PM

To: Connors, Sandra <Connors.Sandra@epa.gov>

Subject: Request for ethics clearance for week-long outside employment

Hi Sandra –

I understand you are OWOW's Ethics Officer. This email is to request ethics clearance for my serving as a Faculty Advisor for a week-long youth summit sponsored by George Mason University and its partners National Geographic and the Smithsonian. The "Washington Youth Summit on the Environment" (WYSE) is scheduled for Sunday, June 24 through Saturday, June 10, 2018.

WYSE is a hands-on, interactive program that provides high school students with an interest in the environment with an opportunity to explore careers in the fields of environmental science, conservation, policy, law and engineering. It combines on-campus lectures and discussions with behind-the scene site visits to National Geographic, the Smithsonian, and elsewhere. My role as one of several Faculty Advisors will be to be responsible for a group of 25 students during the week-long summit. I will facilitate the assigned curriculum and discussion topics at George Mason University's campus throughout the week, and chaperone students during the various site visits. I'll also enjoy the enthusiasm of high schoolers who are interested in making environmental issues their career.

My compensation for serving as a Faculty Advisor at the week-long WYSE is (b) (6) plus dorm accommodations. I plan to take annual leave during the conference week, and have requested and been approved for that annual leave by my branch chief. I am not involved in any matters at EPA that concern George Mason University or its WYSE program, and so know of no actual or potential conflicts of interest.

As an unrelated aside, I continue to teach semester-long courses as a Professorial Lecturer of Law at George Washington University Law School. The original ethics clearance for this was back in 1998, and I report this outside employment on my annual financial disclosure. I guess I'll be adding WYSE to that list as well!

Please let me know if you need any additional information about WYSE or my involvement, and if there's additional ethics-related steps I should take.

Thanks!

(b) (6)

(b) (6)

Jurisdiction Team Leader
Office of Wetlands, Oceans & Watersheds
U.S. Environmental Protection Agency

(b) (6)

USPS Address:
1200 Pennsylvania Avenue, NW

Washington, DC 20460

Delivery Address:

1301 Constitution Avenue, NW, room 7214-D

Washington, DC 20004

From: [Connors, Sandra](#)
To: [Hall, Lynda](#)
Cc: [Cahanap, Concepcion](#); (b) (6)
Subject: RE: Ethics permission to (b) (6) to serve on the board of the Four Mile Run Conservatory Foundation
Date: Wednesday, January 30, 2019 2:08:04 PM

Thank you Laura for your diligence in reviewing and agreeing to the ethics parameters below for participating on the board. With these representations, I approve this request.

Enjoy!

Sandra

Sandra L. Connors
Deputy Director
Office of Wetlands, Oceans, and Watersheds
US Environmental Protection Agency, MC 4501T
1200 Pennsylvania Avenue, WJCW 7130A
Washington, DC 20460
(202)564-4231
connors.sandra@epa.gov

From: Hall, Lynda
Sent: Wednesday, January 30, 2019 11:53 AM
To: Connors, Sandra <Connors.Sandra@epa.gov>
Cc: Cahanap, Concepcion <Cahanap.Concepcion@epa.gov>; (b) (6)
Subject: Ethics permission for (b) (6) to serve on the board of the Four Mile Run Conservatory Foundation

Hi Sandra,

I have reviewed this request, approve it, and submit for your action.

Thanks,
Lynda

From: Cahanap, Concepcion
Sent: Wednesday, January 30, 2019 11:46 AM
To: (b) (6) Hall, Lynda <Hall.Lynda@epa.gov>
Subject: RE: Ethics permission to serve on the board of the Four Mile Run Conservatory Foundation

Thanks (b) (6). It looks fine to me. Lynda if you are ok with the request, please send to Sandra.

Connie

Connie Cahanap
Planning, Communications & Resource Management Staff
Office of Water, Office of Wetlands, Oceans and Watersheds
United States Environmental Protection Agency
202-566-1382
Cahanap.concepcion@epa.gov

1200 Pennsylvania Avenue NW
M/C – 4501T
Washington DC 20460

Courier Address:
1301 Constitution Avenue NW
EPA West Building Room 7410H
Washington DC 20004

From: (b) (6)
Sent: Wednesday, January 30, 2019 11:44 AM
To: Hall, Lynda <Hall.Lynda@epa.gov>
Cc: Cahanap, Concepcion <Cahanap.Concepcion@epa.gov>
Subject: Ethics permission to serve on the board of the Four Mile Run Conservatory Foundation

In accordance with § 6401.103 "Prior approval for outside employment" <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=2fbdbaa6e566574f9a015304be9990b2&rgn=div5&view=text&node=5:3.0.34.11.1&idno=5#5:3.0.34.11.1.0.50.3>

I am submitting a request for approval for **outside volunteer activity**. Below is my written request, which I understand should be routed through my branch chief to Sandra Connors, the OWOW Deputy Ethics Official.

Employee's name, title and grade: [REDACTED], Environmental Protection Specialist, GS-14

Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

Board member for the Four Mile Run Conservatory Foundation and also to do stream monitoring for the Four Mile Run in Virginia.

- Board member duties- Serve on the Board to provide direction for Board activities. The Board meets four times a year. Specifically, I will be working on environmental educational activities.
 - Stream monitoring activities- serve as the lead monitor for a volunteer team as part of a wider citizen science effort.
- Uncompensated/Volunteer

The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

The Four Mile Run Conservatory Foundation

Additional information about the organization may be found here: <https://www.fourmilerun.org/p/about.html>

The estimated time to be devoted to the activity; Four hours a week, on average

Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required); Entirely outside duty hours

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

The basis for compensation (e.g., fee, per diem, per annum, etc.); Per hour for most work; a set fee per training.

Uncompensated/volunteer

I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; and

An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

None identified

Thank you.

From: Cahanap, Concepcion

Sent: Wednesday, January 30, 2019 9:20 AM

To: (b) (6)

Subject: RE: Ethics permission to serve on the board of the Four Mile Run Conservatory Foundation

Hi (b) (6),

It could be an email to Lynda and then to Sandra. Let me know if you have any questions.

Connie

Connie Cahanap

Planning, Communications & Resource Management Staff
Office of Water, Office of Wetlands, Oceans and Watersheds
United States Environmental Protection Agency
202-566-1382

Cahanap.concepcion@epa.gov

1200 Pennsylvania Avenue NW
M/C – 4501T
Washington DC 20460

Courier Address:

1301 Constitution Avenue NW
EPA West Building Room 7410H
Washington DC 20004

From: [Connors, Sandra](#)
To: (b) (6)
Cc: [Kaiser, Russell](#); [McDavit, Michael W.](#); (b) (6); [Cahanap, Concepcion](#)
Subject: RE: Request for approval of outside employment
Date: Wednesday, December 19, 2018 3:00:12 PM

Perfect.

From: (b) (6)
Sent: Wednesday, December 19, 2018 2:59 PM
To: Connors, Sandra <Connors.Sandra@epa.gov>
Cc: Kaiser, Russell <Kaiser.Russell@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; (b) (6) <(b) (6)>; Cahanap, Concepcion <Cahanap.Concepcion@epa.gov>
Subject: RE: Request for approval of outside employment

Thanks Sandra.

Jeanne Duross approved the disclaimer that we plan to use and we are following her direction regarding how to handle references to EPA in our bios.

From: Connors, Sandra
Sent: Wednesday, December 19, 2018 2:12 PM
To: (b) (6)
Cc: Kaiser, Russell <Kaiser.Russell@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; (b) (6) <(b) (6)>; Cahanap, Concepcion <Cahanap.Concepcion@epa.gov>
Subject: RE: Request for approval of outside employment

Thanks (b) (6) and this request is approved.

Just a reminder on disclaimers if you and (b) (6) will be including a reference to your EPA affiliation in the author citation. 5 CFR 2635.807(b)(2) says that employees may use their EPA positions/titles "in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer (see highlighted language below) satisfactory to the agency stating that "the views expressed in the article do not necessarily reflect the views of the agency or the United States."

Here is the link on ethics disclaimers - <http://intranet.epa.gov/ogc/ethics/EthicsDisclaimersChart.pdf>

You may refer solely to EPA title or position but must include the following prominent disclaimer that meets requirements of OGC/Ethics:

This work is not a product of the United States Government or the U.S. Environmental Protection Agency. The author/editor is not doing this work in any governmental capacity. The views expressed are his/her own and do not necessarily represent those of the United States or U.S. EPA.

Congratulations on getting the paper done and published!

Sandra

Sandra L. Connors
Deputy Director
Office of Wetlands, Oceans, and Watersheds
US Environmental Protection Agency, MC 4501T
1200 Pennsylvania Avenue, WJCW 7130A
Washington, DC 20460
(202)564-4231
connors.sandra@epa.gov

From: (b) (6)
Sent: Tuesday, December 18, 2018 2:02 PM
To: Connors, Sandra <Connors.Sandra@epa.gov>
Cc: Kaiser, Russell <Kaiser.Russell@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>;
(b) (6) Cahanap, Concepcion
<Cahanap.Concepcion@epa.gov>
Subject: Request for approval of outside employment

Sandra

Please see the attached memo from me and (b) (6) requesting your approval for outside employment. Please let us know if you have any questions.

Thanks, (b) (6)

(b) (6), Environmental Scientist
office: (b) (6)

Office of Wetlands, Oceans, and Watersheds
U.S. EPA Headquarters (MC 4504T)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
www.epa.gov/wetlands

MEMORANDUM

DATE: May 13, 2019

SUBJECT: Request for Approval of Outside Employment

TO: Jeff Lape, Deputy office Director
Deputy Ethics Official
Office of Science and Technology

FROM: (b) (6) Microbiologist, GS-14
Health and Ecological Criteria Division (b) (6)

I am formally requesting approval to accept an opportunity to be a part of The George Washington University, Washington, DC. I have read, am familiar with, and will abide by the restrictions describe in 5 C.F.R. Part 2635 (Subpart H on Outside Activities) and Section § 6401.102 (EPA's Supplemental Regulations).

1. Nature of the activity and the amount of compensation expected:
The George Washington University. I teach Environmental Microbiology. The salary is for one semester is (b) (6)
2. Whether the service will be performed entirely outside of normal duty hours:
Service will be provided outside of normal duty hours.
3. Employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment or activity.

I affirm that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment or activity.

4. Employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

I read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

5. An identification of any assistance agreements or contracts held by the person to or for whom services will be provided: None

From: [Connors, Sandra](#)
To: [Kaiser, Russell](#); (b) (6)
Cc: [Cahanap, Concepcion](#)
Subject: RE: Request for Approval for Outside Activity
Date: Monday, April 23, 2018 5:16:09 PM

(b) (6) – Thank you for inquiring as to the ethics implications associated with this outside activity. Based on the information below, I approve your participation.

Thanks,

Sandra

Sandra L. Connors
Deputy Director
Office of Wetlands, Oceans, and Watersheds
US Environmental Protection Agency, MC 4501T
1200 Pennsylvania Avenue, WJCW 7130A
Washington, DC 20460
(202)564-4231
connors.sandra@epa.gov

From: Kaiser, Russell
Sent: Monday, April 02, 2018 12:06 PM
To: (b) (6)
Cc: Connors, Sandra <Connors.Sandra@epa.gov>; Cahanap, Concepcion <Cahanap.Concepcion@epa.gov>
Subject: RE: Request for Approval for Outside Activity

(b) (6) As long as there are no conflicts with his current position duties, I am supportive of the below request.

Sincerely,

Russell L. Kaiser
Chief, Freshwater and Marine Regulatory Branch
Oceans, Wetlands and Communities Division
Office of Wetlands, Oceans and Watersheds
1301 Constitution Ave., N.W.
Room 7114B West Bldg.
Washington, DC 20004
P: 202.566.0963
C: 202.579.0421

From: (b) (6)

Sent: Thursday, March 29, 2018 1:58 PM

To: Kaiser, Russell <Kaiser.Russell@epa.gov>

Cc: Connors, Sandra <Connors.Sandra@epa.gov>; Cahanap, Concepcion <Cahanap.Concepcion@epa.gov>

Subject: Request for Approval for Outside Activity

Russ

As we discussed last week relating my interested to pursue an outside activity, I spoke with OGC Ethics Jeanne Duross and OWOW Deputy Ethics Official Connie Cahanap. Following Connie's direction, I have enclosed my request for permission to participate in activities with the Alliance to Save Energy, subcommittee on Water and Energy.

Please let me know if you have any questions and thank you for your help.

(b) (6)

1. **Name, title and grade:** (b) (6), Environmental Protection Specialist, GS-14
2. **The nature of the outside activity:** I am submitting a request to participate in activities with the Alliance to Save Energy, subcommittee on Water and Energy. On the subcommittee, I will participate in discussions related to the water-energy nexus including: new energy and water efficient technology, legislative issues, industry trends, strategies to promote water and energy efficiency, and other associated topics. The discussions will be conducted either be by phone or in-person meetings located in DC. I will not receive compensation.
3. **The name and business of the person or organization for which the work will be done:** The Alliance to Save Energy (www.ase.org) promotes energy efficiency to achieve a healthier economy, a cleaner environment, and greater energy security.
4. **The estimated time to be devoted to the activity:** The subcommittee meets monthly for one hour. The estimated number of hours of absence from work required is expected to be 1 hour per month.
5. **A statement that no official duty time or Government property, resources, or facilities available to the general public will be used in connection with the outside employment:** No official duty time or Government property, resources, or facilities available to the general public will be used in connection with the outside employment.
6. **The basis for compensation.** There will not be any compensation.
7. **A statement that the employee has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and**

Section 6401.102 (EPA's Supplemental Regulations). I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).

8. **An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.** There are not any EPA assistance agreements or contracts that are held by the Alliance to Save Energy.

Thanks,

(b) (6)

(b) (6)

U.S. Environmental Protection Agency
Office of Wetlands, Oceans and Watersheds
Washington, DC

(b) (6)

From: [Connors, Sandra](#)
To: (b) (6)
Cc: [Cahanap, Concepcion](#)
Subject: RE: Request Clearance for Outside Activity
Date: Wednesday, May 16, 2018 7:42:18 AM

Thanks (b) (6) for the thorough articulation of your understanding of the ethical requirements and this email serves as my approval. This compensation should be reflected as appropriate on your financial disclosure.

Sandra

Sandra L. Connors
Deputy Director
Office of Wetlands, Oceans, and Watersheds
US Environmental Protection Agency, MC 4501T
1200 Pennsylvania Avenue, WJCW 7130A
Washington, DC 20460
(202)564-4231
connors.sandra@epa.gov

From: (b) (6)
Sent: Friday, May 11, 2018 5:05 PM
To: Connors, Sandra <Connors.Sandra@epa.gov>
Subject: Request Clearance for Outside Activity

Hello Sandra,

As my Deputy Ethics Official, I wanted to inform you that I have accepted an offer to teach a lecture/lab in the fall semester 2018 at the Montgomery College, Germantown, MD campus. The lecture/lab runs on Saturdays from September 1 to December 16, 2018. I have been previously cleared for teaching at Montgomery College, Germantown Campus in the recent past. The following summarizes the outside activity:

Name: (b) (6), Chief, PDJB/OWCD/OWOW/OW, GS-15

Nature of Position: Teaching undergraduate college students lecture and lab for Principles of Biology at the Germantown campus of Montgomery College, MD

School: Montgomery College-Germantown Campus, 20200 Observation Dr., Germantown, MD 20876

Schedule: Sep 1-Dec 16, 2018 part time (all classes on Saturday)

Statement: No official duty time or Government property, resources or facilities not available to the general public will be used in connection with this outside employment. I have read and am familiar with and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities") and Section 6401.103 (EPA's Supplemental Regulations). I will clarify to my colleagues and students that I do not represent the US government in any capacity and that the views expressed are solely my own.

Compensation: Wage

Grants/Contracts: I am unaware of any grant or contract with Montgomery College associated with my duties in EPA.

Please let me know if you have any other questions and kindly advise me of any further steps.

All my best,

Michael

(b) (6), Chief
Program Development and Jurisdiction Branch
Office of Water/USEPA (MC 4504T)
1200 Penn. Ave, NW (Room 7303 West Bldg)
Washington, DC 20460
(b) (6)

From: [Connors, Sandra](#)
To: (b) (6)
Cc: [Cahanap, Concepcion](#)
Subject: RE: Request for Clearance Re Outside Activity - WYSE 2019
Date: Wednesday, April 24, 2019 10:12:12 AM

(b) (6) – Thanks again for this notification and I approve your participation in this outside activity based on the representations below.

Enjoy!

Sandra

Sandra L. Connors
Deputy Director
Office of Wetlands, Oceans, and Watersheds
US Environmental Protection Agency, MC 4501T
1200 Pennsylvania Avenue, WJCW 7130A
Washington, DC 20460
(202)564-4231
connors.sandra@epa.gov

From: (b) (6)
Sent: Wednesday, April 24, 2019 8:51 AM
To: Connors, Sandra <Connors.Sandra@epa.gov>
Subject: Request for Clearance Re Outside Activity - WYSE 2019

Hello Sandra,

As my Deputy Ethics Official, I wanted to inform you that I have once again accepted a short-term “Faculty Advisor” position with George Mason University, teaching at the Washington Youth Summit on the Environment in June 2019, Fairfax, VA. I have been granted annual leave for performing my duties associated with this outside position from June 20-27. The following summarizes the outside activity:

Name (b) (6), Chief, PDJB/OWCD/OWOW/OW, GS-15
Nature of Position: Teaching high school students environmental science/studies for college credit in residence at the campus of George Mason University, Fairfax, VA
School: George Mason University, 2019 Washington Youth Summit on the Environment, Washington Scholars Program, Admissions Department, Fairfax, VA
Schedule: June 20-27, 2019, full time (entirely on leave status)
Statement: No official duty time or Government property, resources or facilities not available to the general public will be used in connection with this outside employment. I have read and am familiar with and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on “Outside Activities”) and Section 6401.103 (EPA’s Supplemental Regulations). I will clarify to my colleagues

and students that I do not represent the US government in any capacity and that the views expressed are solely my own.

Compensation: Wage, hourly salary and room/board

Grants/Contracts: I am unaware of any grant or contract with George Mason University associated with my duties in EPA.

As I have mentioned in the past, I also wanted to inform you that while I recently declined an offer to teach undergraduate biology lecture/lab in the Fall semester at Montgomery College-Germantown Campus, I continue to have a standing relationship as an on-call adjunct instructor with Montgomery College-Germantown, Germantown, MD. I am unaware of any grant or contract with Montgomery College associated with my duties in EPA. If there is any change in my plans to teach at Montgomery College, I will promptly notify you.

Please let me know if you have any other questions.

All my best,

(b) (6)

(b) (6), Chief
Program Development and Jurisdiction Branch
Office of Water/USEPA (MC 4504T)
1200 Penn. Ave, NW (Room 7303 West Bldg)
Washington, DC 20460

(b) (6)

Mclain, Jennifer

From: Mclain, Jennifer
Sent: Friday, March 24, 2017 4:18 PM
To: Mclain, Jennifer
Subject: Re: ASTM

(b) (6)

Typically active participation does not trigger the need for outside activity approval, however I appreciate your requesting it in light of the subject matter of the group and the participation of other EPA staff in their official capacity. I've considered your request and have determined that this activity is not expected to involve conduct prohibited by statute or Federal regulation including 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations). Therefore, I am approving your participation.

Whether your participation would be performed as a professional development activity during normal duty hours is a question for you to discuss with your supervisor.

Generally, an approval for outside employment remains valid for five years, although you must request a new approval should there be a change in the nature or scope of the duties. Please note that if you were to receive a travel gift from ASTM, it might be reportable on your financial disclosure report.

Regards,
Jennifer

From: (b) (6)
Sent: Friday, March 24, 2017 10:21 AM
To: Mclain, Jennifer <Mclain.Jennifer@epa.gov>
Subject: RE: ASTM

My responses should appear in *italics* below. Links in the next-to-last bullet did not work, but I was able to locate the documents online.

(b) (6)

From: Mclain, Jennifer
Sent: Friday, March 24, 2017 9:23 AM
To: (b) (6)
Subject: ASTM

(b) (6)

I apologize for the delay in getting back to you regarding your question about the potential ethics implications of your personal participation in ASTM. This was raised to you by Colby Lintner who is convening a practice group for EPA staff that represent the agency in voluntary consensus standard organizations.

Per our communications, you do not represent EPA in your dealings with ASTM, you serve in a private capacity as a statistician and have done so for many years. EPA Ethics Advisory 89-19 of February 8, 1990, entitled "Holding Office in Organizations" discusses the application of the conflict of interest statutes and the general standards to employees' participation in professional associations and other

organizations. The Advisory states that an employee should not hold office or have other "operational or managerial" positions in organizations whose financial or advocacy interests are likely to be affected by their EPA duties or by the duties of EPA employees who report to them. Since you are not participating in ASTM in any fiduciary or leadership role (e.g., as an officer, treasurer or a member of the board) this is not a concern. However, if you anticipate your role to change you should request ethics counseling first.

Typically, active participation doesn't trigger the need for outside activity approval, however in light of the subject matter of the group and the participation of other EPA staff in their official capacity, I recommend that you request approval. Your request should include:

- name, title and grade; (b) (6) *mathematical statistician, GS-14*
- the nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected; *As member of ASTM committees on water (D19), soil & rock (D18), statistics (E11), environmental assessment, risk management and corrective action (E50), review draft and proposed standards, provide comments and suggestions for their improvement, and vote on balloted standards and other items. ASTM provides no compensation for this activity.*
- the name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next six months); *The work is not done for any other person or organization.*
- the estimated time to be devoted to the activity; *On average, about 3 hours per month are devoted to this activity.*
- whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required); *If allowed, I would like to perform this as a professional development activity during normal duty hours.*
- a statement that no official duty time or Government property, resources, or facilities available to the general public will be used in connection with the outside employment; *There is no compensation for this activity.*
- the basis for compensation (e.g., fee, per diem, per annum, etc.) *There is no compensation for this activity.*
- a statement that the employee has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations); and *I have read these documents and will abide by the restrictions described in them.*
- an identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided. *I'm not aware of any EPA assistance agreements with ASTM.*

You may simply fill in your information in an email response to me.

Please let me know if you have any questions.

Regards,

Jennifer

Jennifer L McLain, Ph.D.
Acting Deputy Director
Office of Ground Water and Drinking Water
U.S. EPA
202-564-4029

December 7, 2016

SUBJECT: Request for Renewal of Approval -- Provision of *Pro Bono* Legal Services for Counseling and Clinics for Legal Aid of West Virginia (LAWV)

FROM: (b) (6) Attorney (b) (6)
Water Permits Division (4203M)

TO: Sheila Frace, Deputy Director
Office of Wastewater Management (4201M)

I would like to continue to take advantage of an opportunity provided through pro-bono services of Legal Aid of West Virginia (LAWV; wvla.net). This is an extension of a request dated August 27, 2015. The activities that I am seeking approval for are counseling and clinics at the Martinsburg office. The focus of the work will be family law; I am not at this time seeking approval of representing a client in a family law case.

I am seeking approval to perform pro bono legal services as described above. This request is being submitted in accordance with 5 CFR Part 6401.

Name, title and grade: (b) (6) Attorney, GS-15

Nature of activity: I will be providing *pro bono* legal services on family law through LAWV in Martinsburg. I will not receive compensation for this work.

Organization: Please see above.

Estimated time: I recognize I cannot address issues regarding immigration matters or federal benefit matters (as the U.S. is a party) and may not be able to provide advise on certain civil protection orders if there is a criminal aspect (as the U.S. Attorney's office may be involved). I project this will not require more than 50 hours per year. I will certainly supplement this request, as needed, as to time involved and scope of work.

Time for performance of activity: I project all of this work will be performed outside of normal work hours. I will take annual leave, if needed, to perform work which otherwise needs to be performed during work hours.

No official duty time or Government property, resources, or facilities, consistent with EPA's de minimus policy, not available to the general public will be used in connection with this outside activity.

I have read and am familiar with and will abide with the requirements of 5 CFR Parts 2635 and 6401.103.

I will not be providing *pro bono* services to any person who is doing business with EPA or the United States, such as any person who has an EPA assistance agreement or contract. 5 CFR Part 6401.103 (1 – 9). I will not represent a client in any matter before the United States. I am aware I need to renew this request annually.

I will be happy to provide you any additional information or discuss this matter with you.

Approved: Sheila E. Frace
Sheila Frace

12/09/14
Date

Denied: _____
Sheila Frace

Date

US Environmental Protection Agency
Office of Water
Washington, DC

December 2, 2016

MEMORANDUM

SUBJECT: Request for Approval -- Provision of *Pro Bono* Legal Services to the Lawyers' Assistance Program (LAP) of the District of Columbia Bar (DC Bar)

FROM: (b) (6) Attorney (b) (6)
Water Permits Division (4203M)

TO: Sheila Frace, Deputy Director
Office of Wastewater Management (4201M)

I would like to take advantage of an opportunity provided through *pro-bono* services of the Lawyers' Assistance Program (LAP) of the DC Bar. This would include being a volunteer to provide assistance to lawyers and law students considering or new in recovery, as well as sharing about the program at meetings and law schools. I am seeking approval retroactively to December 1, 2016, as I volunteered at a DC Bar program on substance abuse and legal ethics to share my experiences, as one of the speakers could not attend. This is similar to a request you have approved for me with the West Virginia State Bar in February.

I am seeking approval to perform *pro bono* legal services as described above. This request is being submitted in accordance with 5 CFR Part 6401.

Name, title and grade: (b) (6) Attorney, GS-15

Nature of activity: I will be providing *pro bono* legal services of the Lawyers' Assistance Program (LAP) of the DC Bar. I will not receive compensation for this work.

Organization: Please see above.

Estimated time: I recognize I cannot address issues regarding federal benefit matters (as the U.S. is a party) and may not be able to provide advice on certain civil protection orders if there is a criminal aspect. I project this activity will not require more than 50 hours per year. I will certainly supplement this request, as needed, as to time involved and scope of work. I am requesting approval through December 31, 2018.

Time for performance of activity: I project all of this work will be performed outside of normal work hours. I will take annual leave, if needed, to perform work which otherwise needs to be performed during work hours.

No official duty time or Government property, resources, or facilities, consistent with EPA's de minimus policy, not available to the general public will be used in connection with this outside activity.

I have read and am familiar with and will abide with the requirements of 5 CFR Parts 2635 and 6401.102.

I will not be providing *pro bono* services to any person who is doing business with EPA or the United States, such as any person who has an EPA assistance agreement or contract. 5 CFR Part 6401.103 (1 – 9). I will not represent a client in any matter before the United States.

I will be happy to provide you any additional information or discuss this matter with you.

Approved: Sheila E. Frace
Sheila Frace

12/07/16
Date

Denied: _____
Sheila Frace

Date

November 7, 2016

MEMORANDUM

SUBJECT: Request for Approval -- Provision of *Pro Bono* Legal Services through On-line Legal Help Sponsored by the West Virginia State Bar (WVSB)

FROM: (b) (6) Attorney (b) (6)
Water Permits Division (4203M)

TO: Sheila Frace, Deputy Director
Office of Wastewater Management (4201M)

I would like to take advantage of an opportunity provided through pro-bono services of the WVSB. This is similar to the activity that you have approved through Legal Aid of West Virginia (LAWV; wvla.net); it is different from the ad hoc assistance you have approved for me through another component of the State Bar. The activities that I am seeking approval for are State-wide and web-based.

I am seeking approval to perform pro bono legal services of the WVSB through on-line legal help. This request is being submitted in accordance with 5 CFR Part 6401.

Name, title and grade: (b) (6) Attorney, GS-15

Nature of activity: I will be providing *pro bono* legal services through on-line legal help by the WVSB.

Organization: Please see above.

Estimated time: I recognize I cannot address issues regarding immigration matters or federal benefit matters (as the U.S. is a party) and may not be able to provide advice on certain civil protection orders if there is a criminal aspect (as the U.S. Attorney's office may be involved). I project this will not require more than 24 hours per year. I will certainly supplement this request, as needed, as to time involved and scope of work.

Time for performance of activity: I project all of this work will be performed outside of normal work hours. I will take annual leave, if needed, to perform work which otherwise needs to be performed during work hours.

No official duty time or Government property, resources, or facilities, consistent with EPA's de minimus policy, not available to the general public will be used in connection with this outside activity.

I have read and am familiar with and will abide with the requirements of 5 CFR Parts 2635 and 6401.103.

I will not be providing *pro bono* services to any person who is doing business with EPA or the United States, such as any person who has an EPA assistance agreement or contract. 5 CFR Part 6401.103 (1 – 9). I will not represent a client in any matter before the United States. I am aware I need to renew this request annually.

I will be happy to provide you any additional information or discuss this matter with you.

Approved: Sheila E. Frace
Sheila Frace

12/07/16
Date

Denied: _____
Sheila Frace

Date

US Environmental Protection Agency
Office of Water
Washington, DC

February 22, 2016

MEMORANDUM

SUBJECT: Request for Approval -- Provision of *Pro Bono* Legal Services to the Lawyers' Assistance Program (LAP) of the West Virginia State Bar

FROM: (b) (6) Attorney (b) (6) (b) (6)
Water Permits Division (4203M)

TO: Sheila Frace, Deputy Director
Office of Wastewater Management (4201M)

I would like to take advantage of an opportunity provided through *pro-bono* services of the Lawyers' Assistance Program (LAP) of the West Virginia State Bar. The program is looking for volunteers covering a broad spectrum, both substantive and administrative. This could include anything from volunteers to write grant applications for funding for the program (which I have already alerted them I cannot do if it is federal funding) to volunteers who are in recovery themselves providing assistance to someone newly in treatment.

I am seeking approval to perform *pro bono* legal services as described above. This request is being submitted in accordance with 5 CFR Part 6401.

Name, title and grade: (b) (6) Attorney, GS-15

Nature of activity: I will be providing *pro bono* legal services of the Lawyers' Assistance Program (LAP) of the West Virginia State Bar. I will not receive compensation for this work.

Organization: Please see above.

Estimated time: I recognize I cannot address issues regarding federal benefit matters (as the U.S. is a party) and may not be able to provide advice on certain civil protection orders if there is a criminal aspect. I project this activity will not require more than 50 hours per year. I will certainly supplement this request, as needed, as to time involved and scope of work. I am requesting approval through December 31, 2018.

Time for performance of activity: I project all of this work will be performed outside of normal work hours. I will take annual leave, if needed, to perform work which otherwise needs to be performed during work hours.

No official duty time or Government property, resources, or facilities, consistent with EPA's de minimus policy, not available to the general public will be used in connection with this outside activity.

I have read and am familiar with and will abide with the requirements of 5 CFR Parts 2635 and 6401.102.

I will not be providing *pro bono* services to any person who is doing business with EPA or the United States, such as any person who has an EPA assistance agreement or contract. 5 CFR Part 6401.103 (1 – 9). I will not represent a client in any matter before the United States.

I will be happy to provide you any additional information or discuss this matter with you.

Approved: Sheila E. Frace 02/22/16
Sheila Frace Date

Denied: _____
Sheila Frace Date

US Environmental Protection Agency
Office of Water
Washington, DC

August 28, 2015

MEMORANDUM

SUBJECT: Request for Approval -- Provision of *Pro Bono* Legal Services;
Counseling and Clinics for Legal Aid of West Virginia (LAWV)

FROM: (b) (6) Attorney (b) (6)
Water Permits Division (4203M)

TO: Sheila Frace, Deputy Director
Office of Wastewater Management (4201M)

I would like to take advantage of an opportunity provided through *pro-bono* services of Legal Aid of West Virginia (LAWV; wvla.net). The activities that I am seeking approval for are counseling and clinics at the Martinsburg office. The focus of the work will be family law; I am not at this time seeking approval for representing a client in a family law case.

I am seeking approval to perform *pro bono* legal services as described above. This request is being submitted in accordance with 5 CFR Part 6401.

Name, title and grade: (b) (6) Attorney, GS-15

Nature of activity: I will be providing *pro bono* legal services on family law through LAWV in Martinsburg. I will not receive compensation for this work.

Organization: Please see above.

Estimated time: I recognize I cannot address issues regarding immigration or federal benefit matters (as the U.S. is a party) and may not be able to provide advice on certain civil protection orders if there is a criminal aspect. I project this activity will not require more than 50 hours per year. I will certainly supplement this request, as needed, as to time involved and scope of work.

Time for performance of activity: I project all of this work will be performed outside of normal work hours. I will take annual leave, if needed, to perform work which otherwise needs to be performed during work hours.

No official duty time or Government property, resources, or facilities, consistent with EPA's de minimus policy, not available to the general public will be used in connection with this outside activity.

I have read and am familiar with and will abide with the requirements of 5 CFR Parts 2635 and 6401.102.

I will not be providing *pro bono* services to any person who is doing business with EPA or the United States, such as any person who has an EPA assistance agreement or contract. 5 CFR Part 6401.103 (1 – 9). I will not represent a client in any matter before the United States. I am aware I need to renew this request annually.

I will be happy to provide you any additional information or discuss this matter with you.

Approved: Sheila E. Frace
Sheila Frace

09/24/15
Date

Denied: _____
Sheila Frace

Date

Mclain, Jennifer

From: Mclain, Jennifer
Sent: Tuesday, March 26, 2019 8:59 AM
To: (b) (6)
Subject: Outside activity request
Attachments: RE: Ethics Request e-mail; RE: Ethics Request e-mail; RE: Ethics Request e-mail

(b)

Apologies for the delay. I have determined that your outside employment as described in your requests to Justina Fugh (attached and described below) are not expected to involve conduct prohibited by statute or Federal regulation. I approve your involvement in this outside position. This approval is valid for five years although you must request a new approval if there is a change in the scope of duties or if you transfer to a new organization.

Please remember:

- Because you are compensated, you can't use any EPA equipment, including phones/workspace/computer/time. The Agency's Limited Personal Use of Equipment policy, found at <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf>, states that there is no de minimis use of EPA equipment to further any compensated outside activity. So you can't even use your work station after business hours.
- You cannot represent back to the Agency or the US Government in this personal endeavor. You are subject to the representational conflict of interest statutes. Federal employees cannot represent any outside entity as agent or attorney in connection with any matter in which the United States is a party or has a direct and substantial interest, whether compensated or not. 18 USC 203 and 205.
- You cannot refer solely to your EPA position or title in connection with this outside activity. Your bio must include other significant biographical details (at least two others) with EPA not having any undue prominence. See 5 CFR § 2635.807(b).
- Reporting on 450 Financial Disclosure form: you have to report the outside position in Part III & if you earn gross income of more than \$200, you also have to report in Part I

Jennifer McLain

Jennifer L McLain
Ethics Official
Office of Ground Water and Drinking Water
U.S. EPA
202-564-4029

From: Fugh, Justina
Sent: Tuesday, March 19, 2019 10:17 AM
To: Mclain, Jennifer <Mclain.Jennifer@epa.gov>
Subject: RE: following up, ever so tardily

Hi Jennifer,

Sorry for my delay in getting back to you. Really awful week for me. Anyway, for your files, I've attached the emails that I exchanged with (b) (6). As you know, he's interested in providing environmental consulting services to a private company (Water Futures) that has been contracted to do work in two foreign countries.

The ethics rules permit employees to engage in outside activity – even when compensated – so long as they don't create for themselves a conflict with their assigned EPA duties. In the course of his EPA duties, (b) (6) does not interact with Water Futures nor does he work on the water quality standards in Australia or Hong Kong. I therefore indicated to him that you as his DEO could in fact approve his request for outside activity. In addition, I don't see that he will be compensated by the foreign countries directly, nor did they contract with Water Futures for the purpose of obtaining his specific services. Therefore, I don't see any ethics reason for you to disapprove his request. That said, please be sure to pass along to (b) (6) a few reminders about the ethics principles:

Financial Conflicts of Interest -- Because he will be compensated, he will have a financial conflict of interest with Water Futures and the two countries that will be his employer's clients. He cannot participate as part of his EPA duties in any matter that will have a direct and predictable financial effect upon them.

Representation – He cannot represent the employer or any client back to the federal government in any matter in which the United States is a party or has a direct and substantial interest, nor can he accept compensation for anyone's representation. See 18 U.S.C. §§ 203 and 205.

Loss of Impartiality -- For one year after he has completed the work and received compensation, he will still have a covered relationship with Water Futures and these clients pursuant to 5 C.F.R. § 2635.502(b)(iii). He will not be able to work on any specific party matter in which the company or the client(s) is a party or represents a party.

Misuse of Position – He cannot use any EPA time, equipment or resources in connection with the consultation work. There is no *de minimis* exception for use of government equipment for any compensated outside activity. No matter the time of day or night, he cannot engage in this outside activity while in the federal building or while using any EPA resources. He cannot use his EPA email address or EPA iphone or desk phone. If he provides a bio, then he may either omit EPA altogether or, if he references his EPA affiliation, then it must be as one of several biographical details with EPA not having any undue prominence.

Reporting requirement -- Because he will be compensated for this activity, he will have to report both the income and the position on his confidential financial disclosure report (assuming he files one) that covers CY 2019 (that he will file by February 15, 2020). He will need to report the position in Part III and any gross income that exceeds \$1000 on Part I. Please note that the reportable threshold increased effective 1/1/19 (it used to be \$200).

Hope that helps!
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

McLain, Jennifer

From: Fugh, Justina
Sent: Friday, January 25, 2019 3:58 PM
To: (b) (6)
Subject: RE: Ethics Request e-mail
Attachments: fact_sheet_on_outside_employment_1-8-2019.pdf

Hi there,

Sorry for the delay today, but we're trying to sort through the recent announcement about the shutdown likely ending (for three weeks).

If not for now but for the future, here's what you need to know about employment during a federal shutdown. Even when we are furloughed and the Agency is shut down, you are still an EPA employee subject to all the ethics laws and regulations, including the conflict of interest statutes and the Hatch Act.

Because employees may not be familiar with all of the ins and outs of ethical implications, we ask that they seek prior approval for certain categories of activities that are more likely to trigger a possible concern. The type of outside activity you mentioned to me is either related to the skills that you use, the work that you do as part of your official EPA duties or relates in significant part to an Agency program, policy or operation. So I advised you to seek prior approval from an ethics official first, whether or not compensated. That said, please know that the requirement for prior approval is for our information to ascertain whether there are any ethical pitfalls looming; it's not usual for an ethics official to decline the approval. The few reasons I can anticipate for a declination might be: (a) the employee is already poor at time and attendance, so not a good candidate for taking on an outside job of 40 hours per week, (b) the duties will require violating a federal rule to perform them (such as representing the employer back to the federal government), or (c) the duties will directly conflict with the employee's assigned responsibilities.

To seek approval of the activity, you need to provide the following information:

- name, title and grade;
- the nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;
- the name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next six months);
- the estimated time to be devoted to the activity;
- whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);
- a statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment
- the basis for compensation (e.g., fee, per diem, per annum, etc.);
- a statement that you have read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities") and Section 6401.103 (EPA's Supplemental Regulations); and
- an identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.
- In the meantime, please remember that:

Bear in mind that you cannot work on any project of theirs that is funded by EPA and, under no circumstances will you be permitted to represent any party back to any United States government official. Moreover, you will have recusal issues regarding the employer or client, and if you file a financial disclosure report, may also have reporting issues.

Justina

Justina Fugh | Director, Ethics Law Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

-----Original Message-----

From: (b) (6)
Sent: Friday, January 25, 2019 1:56 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Ethics Request e-mail

Justina,

We had talked over the phone on Tuesday and as part of that conversation you had given me the verbal approval to participate in some additional employment as a consultant to a company based in Australia. During the call you mentioned that you would send me an e-mail to this address on Wednesday to enable the approval in writing. I understand that I am to provide details about this activity in writing. I have not gotten an e-mail, so I am concerned that we may have had a miscommunication about my e-mail address. I just want to make sure you have the correct e-mail address.

Thanks

(b) (6) - furloughed from the Office of Ground Water and Drinking Water

Mclain, Jennifer

From: (b) (6)
Sent: Friday, January 25, 2019 10:23 PM
To: Fugh, Justina
Subject: RE: Ethics Request e-mail
Attachments: Ethics Approval Request.docx

Justina,

Thank you for your response. Attached are my responses to the information needed for ethics approval. Please let me know if you have any questions.

Sincerely,

(b) (6)

----- Original Message -----

From: "Fugh, Justina" <Fugh.Justina@epa.gov>

To: (b) (6)

Subject: RE: Ethics Request e-mail

Date: Fri, 25 Jan 2019 20:57:38 +0000

Hi there,

Sorry for the delay today, but we're trying to sort through the recent announcement about the shutdown likely ending (for three weeks).

If not for now but for the future, here's what you need to know about employment during a federal shutdown. Even when we are furloughed and the Agency is shut down, you are still an EPA employee subject to all the ethics laws and regulations, including the conflict of interest statutes and the Hatch Act.

Because employees may not be familiar with all of the ins and outs of ethical implications, we ask that they seek prior approval for certain categories of activities that are more likely to trigger a possible concern. The type of outside activity you mentioned to me is either related to the skills that you use, the work that you do as part of your official EPA duties or relates in significant part to an Agency program, policy or operation. So I advised you to seek prior approval from an ethics official first, whether or not compensated. That said, please know that the requirement for prior approval is for our information to ascertain whether there are any ethical pitfalls looming; it's not usual for an ethics official to decline the approval. The few reasons I can anticipate for a declination might be: (a) the employee is already poor at time and attendance, so not a good candidate for taking on an outside job of 40 hours per week, (b) the duties will require violating a federal rule to perform them (such as representing the employer back to the federal government), or (c) the duties will directly conflict with the employee's assigned responsibilities.

To seek approval of the activity, you need to provide the following information:

- name, title and grade;

Ethics Approval Request for (b) (6) for Outside Employment with Water Futures, Pty Ltd – January 25, 2019

- name, title and grade:
 - (b) (6) Physical Scientist, GS-14
- the nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;
 - Subcontractor to a consultant (Water Futures) assigned to conduct an independent personal peer review of a draft water quality guidelines for aquatic venues (pools, spas, hot tubs) developed by the Australian State of Victoria. The funding available is (b) (6) which is anticipated to cover two days of peer review work. Mr. Rotert is expected to be compensated for half of that amount (est (b) (6) USD).
 - Subcontractor to a consultant (Water Futures) assigned to provide an independent personal opinion as to priority emerging issues in drinking water quality and safety for the drinking water supply provided in Hong Kong by the Water Supplies Department of the Hong Kong Special Administrative Region of the Peoples Republic of China. Water Futures undertakes quarterly reviews of emerging issues. The most recent review for the previous quarter highlighted issues emerging in the EU that may be relevant to Hong Kong. The funding available is Hong Kong (b) (6) USD) for the quarterly report. Mr. (b) (6) is expected to be compensated for most or all of the amount.
- the name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next six months);
 - Water Futures, Pty, Ltd. Dr. Dan Deere, Director.
- the estimated time to be devoted to the activity;
 - Est 40 hours between the two projects – 10 for the Victoria Guidelines review, and 30 for the Hong Kong emerging issues review.
- whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);
 - Work expected to be conducted entirely outside of normal duty hours.
- a statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment
 - I, (b) (6) hereby certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this activity.
- the basis for compensation (e.g., fee, per diem, per annum, etc.);
 - Fee as specified above.
- a statement that you have read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on “Outside Activities) and Section 6401.103 (EPA’s Supplemental Regulations); and
 - I, (b) (6) have read, am familiar with, and will abide by the restrictions described on 5 CFR 2635, Subpart H on Outside Activities, and on Section 6401.103 EPA’s Supplemental Regulations.

- an identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.
 - Water Futures and Dan Deere hold no EPA service agreements or contracts.

McLain, Jennifer

From: (b) (6)
Sent: Monday, February 04, 2019 1:16 PM
To: Fugh, Justina; Albert, Ryan; Rotert, Kenneth
Subject: RE: Ethics Request e-mail

Justina.

My DEO is Jennifer McLain. My supervisor is Ryan Albert. I have cc'd him to make him aware that this is coming. I will also forward the e-mail to him that I sent you explaining the nature of the work, etc.

Thanks,

(b) (6)

----- Original Message -----

From: "Fugh, Justina" <Fugh.Justina@epa.gov>

To: (b) (6)

Subject: RE: Ethics Request e-mail

Date: Fri, 1 Feb 2019 17:53:09 +0000

Hi (b) (6)

I got your message but now that the shutdown is over, we should revert back to the established EPA protocol and have your request go through your supervisor to your own Deputy Ethics Official. But don't worry, I won't abandon you. What I want to do is to have you confirm for me who your supervisor and DEO are (I'm unexpectedly home today and didn't bring my list of DEOs with me and of course cannot remember where I stored it electronically). I think it's Martha Shimkin, but am not sure. Anyway, once I know who your DEO is, I'll write to her (him?) and explain that I've run through the traps and determined it's approval from an ethics perspective and include the various caveats to pass along to you. I am privy only to the ethics issues; if it turns out that you're on a PAP for time and attendance, let's say, then it's possible your DEO may disapprove the request because you're not a good candidate for being able to successfully manage your time. There is an ethics rule that allows the DEO to disapprove if the outside activity will "materially affect" the employee's being able to perform his duties.

Justina

Justina Fugh | Director, Ethics Law Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

McLain, Jennifer

From: McLain, Jennifer
Sent: Tuesday, April 11, 2017 9:35 AM
To: (b) (6)
Cc: Rodgers-Jenkins, Crystal
Subject: Outside Activity approval

(b) (6)

I have determined that your outside employment as described in your two requests dated January 31, 2017 are not expected to involve conduct prohibited by statute or Federal regulation. I approve your continued involvement in these outside positions. This approval is valid for five years although you must request a new approval if there is a change in the scope of duties or if you transfer to a new organization.

Please remember:

- Because you are compensated, you can't use any EPA equipment, including phones/workspace/computer/time. The Agency's Limited Personal Use of Equipment policy, found at <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf>, states that there is no de minimis use of EPA equipment to further any compensated outside activity. So you can't even use your work station after business hours.
- You cannot represent back to the Agency or the US Government in this personal endeavor. You are subject to the representational conflict of interest statutes. Federal employees cannot represent any outside entity as agent or attorney in connection with any matter in which the United States is a party or has a direct and substantial interest, whether compensated or not. 18 USC 203 and 205.
- You cannot refer solely to your EPA position or title in connection with this outside activity. Your bio must include other significant biographical details (at least two others) with EPA not having any undue prominence. See 5 CFR § 2635.807(b).
- Reporting on 450 Financial Disclosure form: you have to report the outside position in Part III & if you earn gross income of more than \$200, you also have to report in Part I

Regards,
Jennifer

Jennifer L McLain, Ph.D.
Acting Deputy Director
Office of Ground Water and Drinking Water
U.S. EPA
202-564-4029

January 31, 2017

Dr. Jennifer McLain
DEO
Acting Deputy Director
Office of Ground Water and Drinking Water (4601M)
U.S. Environmental Protection Agency

RE: (b) (6) – Outside Employment or Activity; EQAC

Dear Dr. McLain:

This letter provides supplemental information related to outside employment or activities listed on my OGE Form 450, dated January 31, 2017. As noted on my form, under Part III, I listed three outside positions. The first two, concerning a position of soccer referee, were addressed in a separate letter. This letter provides you information about my third item, as a member of the Environmental Quality Advisory Council in Fairfax, Virginia.

Per the OGC ethics note, I am providing the following information concerning my outside position as a **member of the Environmental Quality Advisory Council (EQAC) in Fairfax, Virginia:**

OGC Ethics Item	Response
Name, title and grade	(b) (6) Environmental Protection Specialist, Grade 14
The nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected	Serve as a member of an advisory group to the Fairfax County Board of Supervisors. The EQAC is an independent advisory group that has been appointed by the Fairfax County Board of Supervisors to advise the Board on environmental matters – see http://www.fairfaxcounty.gov/dpz/eqac/ for additional information. This is a volunteer position and there is no monetary compensation.
The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next six months)	Fairfax County Department of Planning and Zoning 12055 Government Center Parkway Suite 730 Fairfax, VA 22035 Phone: (703) 324-1380
The estimated time to be devoted to the activity	Averages 10 hours per month.
Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work)	The work takes place outside of normal duty hours.

required)	
A statement that no official duty time or Government property, resources, or facilities available to the general public will be used in connection with the outside employment;	No official duty time or Government property, resources, or facilities available to the general public will be used in connection with the outside employment.
The basis for compensation (e.g., fee, per diem, per annum, etc.)	Not applicable – no compensation
A statement that the employee has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations)	I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).
An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided	I am not aware of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

Please let me know if you have any questions or would like to discuss further.

Thank you.

Sincerely,

/signed/

(b) (6)

OGWDW/SRMD

(b) (6)